

EUROPE

ALBANIA

Albania is a republic with a multiparty parliament, a Prime Minister, Ilir Meta, and a President, Rexhep Meidani, elected by the Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. The Socialist Party (SP) and its allies won 121 of 155 parliamentary seats in 1997 general elections held after a 5-month period of chaos and anarchy due to the collapse of pyramid schemes. Observers deemed the elections to be acceptable and satisfactory under the circumstances. Local elections were held in October and, despite some procedural shortcomings and some irregularities, were conducted in a tense but generally peaceful atmosphere and were judged by the Organization for Security and Cooperation in Europe (OSCE) to have showed "significant progress" toward meeting international standards. The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, inexperienced and untrained personnel, and widespread corruption weaken the judiciary's ability to function independently and efficiently.

Local police units that report to the Minister of Public Order are responsible principally for internal security. One of the most serious problems involving public order and internal security is the fact that the police officers largely are untrained and often unreliable. The international community continued to provide training, advice, and equipment to improve the quality of the police forces; however, unprofessional behavior and corruption remained a major impediment to the development of an effective, civilian police force. The Ministry also has a small force of well-trained and effective police officers organized into special forces units to combat organized crime. The Government further consolidated public order throughout the country during the year, building on the progress that had been made in the previous year; however, serious problems remain in the area of policing. The police are affected by, and are sometimes part of, the country's widespread corruption. The National Intelligence Service (SHIK) is responsible for both internal and external intelligence gathering and counterintelligence. The military has a special 120-man "commando" unit, which operates in an antiterrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit; this was done as a precautionary measure during the October local elections. The police committed human rights abuses.

Albania is a poor country in transition from central economic planning to a free market system, and many questions related to privatization, property ownership claims, and the appropriate regulation of business remain unresolved. More than 20 percent of the rural population lives under the official poverty line; in urban areas the figure is 11 percent. Overall, 17 percent of the country's population lives below the official poverty line. The country continued to experience slow but stable economic progress. Inflation was negligible during the year. The gross domestic product (GDP) grew by about 7 percent to an estimated \$3.8 billion (532 billion lek). The official unemployment rate was 17.5 percent, a slight decrease from the 18 percent of the previous year. With two-thirds of all workers employed in agriculture—mostly at the subsistence level—remittances from citizens working abroad are extremely important, as is foreign assistance. The GDP may be underestimated because considerable income is thought to be derived from various organized and semiorganized criminal activities. A variety of other unreported, noncriminal gray and black market activities, such as unlicensed small businesses, along with the Government's inability to collect fully accurate statistics, also contribute to the GDP's underestimation.

The Government generally respected the human rights of its citizens in some areas; however, numerous, serious problems remained. The opposition Democratic Party (DP) alleged that the Government was responsible for the killing of one of its

members during the year. Police killed a DP demonstrator when a crowd of DP members attacked the police station and other public buildings in Tropoja. The police beat and otherwise abused suspects and prisoners. The DP often credibly complained about incidents of police harassment of its members and of the dismissal of some of its members from official positions for political reasons. The police at times arbitrarily arrested and detained persons, and prolonged pretrial detention is a problem. The judiciary is inefficient, and subject to corruption. Executive pressure on the judiciary remains, but decreased slightly. There were complaints of unqualified and unprofessional judges and credible accounts of judges who were intimidated or bribed by powerful criminals. The Government occasionally infringed on citizens' privacy rights. Government respect for freedom of speech and of the press improved slightly; however, police at times beat and detained journalists, and academic freedom was constrained. Violence and discrimination against women and child abuse were serious problems. The Government took some steps to improve the treatment of ethnic minorities; however, societal discrimination against religious and ethnic minorities, particularly against Roma, persisted. Child labor was a problem. Vigilante action, mostly related to traditional blood feuds, resulted in many killings. Trafficking in women and children was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed cases of political killings by the Government, despite repeated claims by the DP that its members were harassed, beaten, and sometimes killed by government agents.

In May a DP activist in Vlore was killed by unidentified persons immediately following a party rally. The DP claimed that government agents were responsible; however, the Government claimed it was a revenge killing by criminals. The Albanian Helsinki Committee expressed concern over the killing and appealed to government authorities to make all efforts to solve the case. There were no reports concerning a governmental response in this case.

In November police killed a DP demonstrator when a crowd of DP members attacked the police station, courthouse, and other public buildings in Tropoja.

The public prosecutor in Gjoakastra investigated the cases of Kastriot Brega and Bardhyul Balliu, who died while in police custody and found insufficient evidence to justify prosecuting the officers involved. In 1999 the DP claimed that over 21 members, supporters, local government officials, and former national party officials were killed during 1997-99. The DP claimed that at least three of its members were killed during 1998: The chairman of the local branch of the Democratic Party of Kish-Arra village of Shkoder, the deputy chairman of the polling station in the Gjinar commune of the Elbasan district, and the chairman of the DP branch of Boric village in Malesia e Madhe. The DP accused the Government of failing to investigate these crimes, noting that no suspects were tried for the murders. The Democrats asked for the creation of an independent investigatory group that would oversee the investigation of these crimes (which the DP considers to be political). The Government did not create such a group but an investigation was continuing at year's end.

The Council of Europe continued to express concern over the Government's lack of progress in investigating the 1998 assassination of senior DP Member Azem Hajdari. A police investigation was launched in December 1999 and some progress was reported, but the case had not been resolved as of year's end.

The country continued to experience high levels of violent crime. Many killings occurred throughout the country as the result of individual or clan vigilante actions sometimes connected to traditional "blood feuds," or in conflicts involving various criminal gangs.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution stipulates that "no one can be subject to torture, or cruel and brutal treatment;" however, the police often beat suspects in the process of arresting them, and the Albanian Helsinki Committee reported that the police beat or otherwise mistreated prisoners. The Penal Code makes the use of torture a crime punishable by up to 10 years' imprisonment. According to the Albanian Helsinki Committee, major police stations were the sites of the worst abuses of detainees, and all stations were overcrowded.

There were a number of reports of police violence. Four DP activists from the Lezhe region were pulled over and beaten by masked special police forces on a road north of Tirana in March. In April the daily *Gazeta Shqiptare* reported a number

of police abuse cases in Elbasan, Lushnja, and Fieri, where more than 20 persons were taken into custody and subjected to beatings and maltreatment. In May the daily *Albania* reported the serious maltreatment of a number of persons arrested on charges of theft of public property. While police generally handled the DP demonstrations following the October elections in a restrained manner, there were instances where police beat and mistreated DP supporters (see Section 2.b.).

In November Amnesty International (AI) reported that police arrested DP supporter Besnik Papa and held him at a police station in Tirana, where allegedly he was beaten so severely that he required hospital treatment.

Several credible sources cited the police station at Elbasan as a source of a number of physical abuse cases. There are at least five cases of abuse pending against police officers; however, none of these cases had been prosecuted successfully by year's end.

Police at times beat journalists (see Section 2.a.).

There were no reports of investigation nor action taken against police who beat multiple persons in the towns of Spotalte and Cerrick in 1999.

There were no reports of investigation nor action taken in the December 1998 case in which Besnik Jak, the leader of the Tirana University student hunger strike, was beaten while in police custody, nor in the 1999 case of Besim Biberaj, who suffered multiple broken bones as a result of beatings while in custody at a Tirana police station.

Police receive some training and equipment, but there is a continuing need for further training and for improving investigative skills. Foreign governments continued police training programs that aimed at improving technical expertise, operational procedures, and respect for human rights, but the overall performance of law enforcement remained weak. In preparation for the October local elections, training was provided to police on how to deal with election security and how to respond to the needs of election observers. According to the Ministry of Public Order, more than 1,300 policemen received some training during the year, and 116 policemen received training abroad.

Police corruption remains widespread. Sources in the Ministry of Public Order stated that more than 190 police officers were fired from their jobs during the year because of incompetence, lack of discipline, or violations of the law.

Prison conditions remained poor and most prisons are overcrowded; however, efforts were made to improve the situation during the year. While the Government financed most improvements, it also has received international assistance. During the year, construction began on a new prison in Peqin, financed by the Italian government, which will house 250 to 300 inmates.

Overcrowding in prisons resulted in poor living conditions. In addition, because of overcrowding, prisoners are also held in prisons in Greece and Italy. According to Greek Ministry of Justice sources, more than 3,500 Albanians are in pre-detention centers and more than 1,500 are serving sentences in Greece, 120 of whom are juveniles. Over 1,500 prisoners are serving sentences in Italian prisons. Juveniles sometimes share cells with adults as a result of the shortage of cell space. Women are held separately from men.

The country has no juvenile justice system. Children's cases go before judges who have not received any education in juvenile justice, and juveniles live in detention facilities with adults. Over 100 children are serving sentences in adult prisons. In September an 8-year school for juveniles who are serving prison terms was opened. This is the first school of its kind in the country. Family visitation is allowed in prisons.

The Government cooperated with the International Committee of the Red Cross and with other nongovernmental organizations (NGO's). There were no reports of refusal to permit access for prison inspections by either domestic or international groups.

d. Arbitrary Arrest, Detention, or Exile.—Article 27 paragraph 1 of the Constitution forbids arbitrary arrest and detention. However, police at times arbitrarily arrested and detained persons. The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after a suspect is detained by the police. Within 48 hours of the arrest or detention a court must decide, in the presence of the prosecutor, the suspect, and the suspect's lawyer the type of detention to be imposed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not known widely and police often fail to inform suspects of it. As a result of a lack of resources, access to legal information remains difficult for citizens, including legal professionals and, sometimes, judges.

There have been numerous cases in which persons have been unlawfully detained longer than the Penal Code's 48 hour limit. For example, two persons, Hysen and Valbona Ymeri, were detained in Lushnja, but their paperwork was not sent to the prosecutor's office until 6 days later.

International organizations claim that prostitutes and trafficked women have been kept in detention for more than 2 days without charges being brought against them (see Section 6.f.).

In September 1999, a DP newspaper alleged that three persons from the northern city of Kukes were held in police custody for more than 16 months without trial. No further information on this case was available at year's end.

Bail in the form of money or property may be required if the judge believes that the accused otherwise may not appear for trial. Alternatively a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe that the accused may leave the country or is a danger to society.

The Penal Procedures Code requires completion of pretrial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. In practice lengthy pretrial detention is a problem. Delayed investigations also are a serious problem, and many persons are detained for periods that exceed the time limits set by law.

There were no clear cases of detainees being held for strictly political reasons. However, the DP continued to claim that the Chairman of the Legality Party (the Monarchists), Ekrem Spahia, and 12 supporters were being tried unfairly for participation in the events of September 14, 1998, which followed the assassination of the DP parliamentarian, Azem Hajdari, by unknown persons (see Section 1.a.). Spahia and the others were released during the year; however, their trials still were pending at year's end.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, continued political instability, limited resources, political pressure, and endemic corruption weaken the judiciary's ability to function independently and efficiently. Corruption remains a serious and widespread problem, especially with the growth of organized crime, and judges are subjected to both bribery attempts and intimidation. In May the High Council of Justice removed two judges from Tirana for disciplinary violations. International legal experts commented that the judges' removal was characterized by greater respect for due process and legal procedures than past similar instances.

Many court buildings were destroyed in the civil unrest in 1997, and although all have reopened, important records and legal materials were lost permanently. Long case backlogs are typical. The removal of court budgets from the control of the Ministry of Justice to a separate, independent body, the Judicial Budget Office, and the establishment of a school for magistrates in 1999 were useful steps towards strengthening the independence of the judiciary. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office. All other board members are judges.

The judicial system is composed of district courts of the first instance, military courts, six courts of appeal, and the Supreme Court. There also is a separate and independent Constitutional Court. The Supreme Court hears appeals from the Courts of Appeal, while the Constitutional Court reviews those cases requiring constitutional interpretation.

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

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

Constitutional Court justices serve, in theory, maximum 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 7 years.

Under the 1998 Constitution, the President appoints the prosecutor general with the consent of the Parliament. The President appoints and dismisses other prosecutors on the recommendation of the prosecutor general. The prosecutor general restructured his office in December 1999 into divisions that focus on specific crimes.

Parliament approves the courts' budgets and allocates funds. Each court may decide how to spend the money allocated to it. The Ministry of Justice provides and approves administrative personnel. The Ministry of Justice also supervises bailiffs' offices.

Due to limited material resources, in many instances the court system is unable to process cases in a timely fashion. Public opinion holds the judiciary, in particular, responsible for the Government's failure to stop criminal activity. Tension continued between the police and the judiciary, despite some improvement in relations between police and prosecutors, especially outside Tirana. Each side cites the failures of the other as the reason criminals avoid imprisonment. The courts accuse the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police allege that corruption and bribery taint the courts.

The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial, except in cases where the necessities of public order, national security, or the interests of minors or other private parties mandate restrictions. Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. If convicted the accused has the right to appeal the decision within 5 days to the Court of Appeals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Law on Fundamental Human Rights and Freedoms provides for the inviolability of the individual person, of dwellings, and for the privacy of correspondence; however, the Government sometimes infringed on these rights. During the year, a number of persons complained to the Albanian Helsinki Committee that police, during their weapons collection campaign, did not use proper legal procedures to conduct house searches. Citizens also complained to the Committee that many of these searches were conducted late at night without any authorization. At least one individual complained to the Ombudsman that he was not adequately compensated for some land taken for public use. The Ombudsman referred the case to the Constitutional Court.

There were no reports of wiretapping by Government authorities during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the Government generally respected these rights; however, police at times beat journalists. The media are active and unrestrained but have developed little sense of journalistic responsibility or professional integrity. With few exceptions, the print media lacks a mature, trained professional staff.

Sensationalism is the norm in the newspapers, and the political party-oriented newspapers in particular print gossip, unsubstantiated accusations, and outright fabrications. Some publications appear to be making efforts to improve professional standards and to provide more balanced and accurate reporting.

Attacks on journalists continued—both beatings by the police and attacks by unknown assailants. In March according to the daily *Shekulli*, a policeman in Korca beat a journalist from the independent radio station ABC. The journalist claimed he was beaten because the policeman considered him to be a spokesman for the opposition. In April while taping a fight between a group of citizens and members of the National Guard, a cameraman and journalists were spotted and beaten by Guard members. In May two journalists from TV ATN 1 were detained illegally by police officers and beaten while in detention.

Political parties, trade unions, and various societies and groups publish their own newspapers or magazines, and competition with commercial publications is very keen. An estimated 200 publications are available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Five newspapers and two magazines are published in Greek in the south (see Section 5). The difficult economic situation and readers' distrust of the press again resulted in a significant drop in newspaper sales during the year. The total daily circulation of all newspapers dropped from about 65,000 copies to less than 50,000 copies. This came after a drop in 1999 from 75,000 to 65,000 copies. According to a recent survey of the Albanian Media Institute, 60 percent of the persons interviewed believed that media stirred up trouble in the country; only 23 percent said that the media played a positive role. The opening of many new private radio and television stations is another reason for the drastic drop in circulation. According to the same survey, 65 percent of the public prefers to get its news from the private electronic media.

Albanian Radio and Television (RTVSh) is the sole public broadcaster in the country. RTVSh is composed of national television and national radio. National television broadcasts 17 hours a day and covers over 91 percent of the population. Public television broadcasts 2 hours a day via satellite. National radio broadcasts in two channels for 18 hours a day. Its signal covers 90 percent of the country's territory. Broadcasting issues are governed by the National Council of Radio and Television, a 15-member body elected by the Parliament. Radio Gjirokastra broadcasts a 45-minute program for the Greek community in the country every day (see Section 5). The Albanian Media Institute survey found that 58 percent of those questioned believed that regardless of the improvement in the programming of the public television channel, it still is regarded as a mouthpiece for the Government.

Over 75 private television stations and 30 private radio stations operate. The National Council of Radio and Television Broadcasters (NCRT) awarded broadcasting licenses, but several broadcasters failed to pay for their licenses or abide by the regulations governing the licenses. In 1999 the Government established new licensing and oversight procedures to promote a more stable broadcasting environment. The NCRT made licenses available to existing local television broadcasters that were operating previously in an unregulated climate. In December the NCRT licensed 2 national television stations, 45 local television stations, 31 local radio stations, and 1 national radio station. The wide availability of satellite dishes provides citizens with easy access to international programming.

The broadcast media exceed the print media in influence, audience penetration, and caliber of news reporting and public affairs programming. However, political affiliation is pervasive in programming. The OSCE reported that one new nationwide television station, TVArberia, provided for balanced and fair election reporting during the local elections in October. However, the majority of stations were blatantly one-sided in their political coverage.

Academic freedom continues to be limited. University professors complain that some faculty members are hired or fired for political reasons and that students who have the right political connections get preferential treatment regardless of their personal qualifications.

b. Freedom of Peaceful Assembly and Association.—The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly and the Government generally respected this right in practice. According to the law, organizers must obtain permits for gatherings in public places, which the police may refuse to issue for reasons such as security and traffic. In practice rallies and demonstrations were very common, the Government made no concerted efforts to prevent them, and the police generally maintained order with due respect for citizens' rights; however, during DP demonstrations before the October elections, the police beat and mistreated some DP supporters (see Section 1.c.). Police killed a demonstrator in November when a group of DP members attacked the police station, courthouse, and other public buildings in Tropoja. In some cases, individuals claimed that the police or secret agents of the SHIK intimidated them because of their participation in opposition rallies, while others claimed that they were fired from their jobs because they participated in opposition rallies.

The Law on Fundamental Human Rights and Freedoms provides for the right of association, and the Government generally respected this right. A political party must apply to the Ministry of Justice for official certification. It must declare an aim or purpose that is not anticonstitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Such certification is granted routinely.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. According to the 1998 Constitution, there is no official religion and all religions are equal. However, the predominant religious communities (Muslim, Orthodox, and Roman Catholic) enjoy de facto recognition by the authorities that gives them the legal right to hold bank accounts, own property and buildings, and to function as legal entities based on their historical presence in the country.

Religious movements—with the exception of the three de facto recognized religions—can acquire the official status of a legal entity only by registering under the Law on Associations, which recognizes the status of a nonprofit association irrespective of whether the organization has a cultural, recreational, religious, or humanitarian character.

The Religious Council of the State Secretariat has been replaced by the State Committee on Cults, which is not composed of representatives of religious groups. The Government does not require registration or licensing of religious groups; however, the State Committee on Cults maintains a working knowledge, but not official

records, of foreign religious organizations. The chairman of the committee has the status of a deputy minister.

Foreign clergy, including Muslim clerics, Christian and Baha'i missionaries, members of the Jehovah's Witnesses, the Church of Jesus Christ of Latter-Day Saints (Mormons), and many others freely carry out religious activities. The State recognizes the de facto existence of the Bektashis but they did not have the right to their own representative in the former State Secretariat of Religions. There is no indication of Bektashis' activities being placed under the supervision of the Sunni community.

According to official figures, there are 29 religious schools in the country with some 2,745 students. The State Committee has the right to approve the curricula of religious schools.

The Government has not yet returned all the properties and religious objects under its control that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often failed to return the land surrounding the buildings. The Government also is unable to compensate the churches adequately for the extensive damage that many religious properties suffered. The Orthodox Church has complained that it has had difficulty in recovering some religious icons for restoration and safekeeping.

The Albanian Evangelical Alliance, an association of more than 100 Protestant Churches, has complained that it has encountered administrative obstacles to building churches, accessing the media, and receiving exemptions from customs duties. The growing evangelical community continues to seek official recognition and participation in the religious affairs section of the Council of Ministers.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Law on Fundamental Human Rights and Freedoms provides for freedom of movement within the country and for freedom to leave the country and return, and the Government respects these rights in practice.

A problem that arose as a result of uncontrolled internal migration is local registration and status. As a result of such internal migration, thousands of citizens are denied access to certain basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of such documents prevents many students from attending school. The effects of uncontrolled internal migration became apparent during the October local elections when tens of thousands of inhabitants were registered in more than one place, resulting in many inaccuracies in the voter lists.

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

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

The country hosted approximately 4,000 registered refugees during the year. The refugee population overwhelmingly is Kosovar; only 28 refugees identified themselves as coming from outside the borders of the former Yugoslavia. Humanitarian relief organizations provided social service support for the refugee community and coordinated further assistance through a network of NGO's that provide health care coverage, insurance, and limited training. The Government continued to play a key role in facilitating and coordinating the work of these groups. The vast majority of refugees continued to live with host families. There were approximately 500 registered Kosovar refugees and a small number of other refugees left in the country at year's end.

Organized criminal gangs have made the smuggling of illegal immigrants—Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia—a lucrative business. Italy is the most common destination. The Government has taken a number of measures to stop the flow, but a lack of resources and corruption among law enforcement forces, hinders its efforts. Italian military and border patrol squads operate in various coastal zones in Albania in an effort to stop the flow of illegal immigrants. In September following an incident in which two Italian Guardia di Finanza police were killed while combating traffickers, Parliament enacted a new, stronger law that, if implemented, should make it easier for police to seize the speedboats used primarily for illegal smuggling of persons. It enables the police to confiscate speedboats, on land or water, that are used in illegal

activities and those that are unregistered. Individuals who have become stranded in Albania while trying to use this illegal pipeline are eligible for a “care and maintenance” program run by the U.N. High Commissioner for Refugees (UNHCR) and the Albanian Red Cross and can have their cases evaluated by UNHCR officials. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution states that “Governance is based on a system of elections that are free, equal, general, and periodic;” citizens elected a government in 1997 in what international observers considered to be a satisfactory process, given the preceding months of chaos and anarchy.

In October despite procedural shortcomings and some irregularities in a few localities, citizens took part in local elections in a tense but generally peaceful atmosphere that were judged by the OSCE to have shown “significant progress” toward meeting international standards. International monitors considered the second round of voting “less transparent and inclusive” due to the failure to address inaccuracies in the voter lists, invalid ballots, and election complaints. Serious irregularities, including intimidation of election commission members, the destruction of one ballot box, and fraud in three other voting centers were reported in Himara.

The Constitution prohibits the formation of any party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character.

No legal impediments hinder the full participation of women and minorities in government, and the major political parties have women’s organizations and have women serving on their central committees; however, women continue to be under-represented in politics and government. In the Parliament, 10 of 155 members are female (1 of whom serves as deputy prime minister). In the current Government two ministers are female. Ethnic Greeks constitute the largest minority. They are represented in the current Government and participate actively in various political parties.

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

The Government generally permitted human rights and related organizations to function freely. The Albanian Helsinki Committee, the Albanian Human Rights Group, the Society for Democratic Culture, the Albanian Media Institute, the Albanian Institute for Contemporary Studies, and the Women’s Center were among the most active domestic NGO’s involved in human rights activities. Despite the assistance of international donors, the work of all of these organizations is hampered by a shortage of funds and equipment; the Government cooperated only minimally with these local groups.

A wide variety of international human rights NGO’s visited or operated within the country with the cooperation of the Government and generally without restriction. These organizations are free to publish and disseminate their findings, including criticisms of the Government.

In February Parliament elected the country’s first national People’s Advocate (Ombudsman). The Ombudsman’s office, with the support of western governments and the OSCE, has already reviewed over 250 cases of alleged human rights abuses. These include citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful governmental dismissal, and land disputes (see Sections 1.c. , 1.e. , and 1.f.). The Ombudsman’s office has had some success in cases, but it still is too early to judge whether it will genuinely be effective.

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

The Law on Major Constitutional Provisions prohibits discrimination based on sex, race, ethnicity, language, or religion; however, women and some minority groups complain that discrimination continues in practice.

Women.—Violence against women and spousal abuse are serious problems. In the country’s traditionally male-dominated society, cultural acceptance and lax police response result in most abuse going unreported. Rape is punishable by law, as is spousal rape; however, in practice spousal rape is not reported or prosecuted. The concepts of spousal rape and sexual harassment are not well established, and, consequently, such acts often are not considered crimes. No government-sponsored program protects the rights of women. An NGO maintains a shelter in Tirana for abused women, but the facility has the capacity to house only a few victims at a

time. The same NGO also operates a hotline that women and girls can call for advice and counseling. The line received thousands of calls during the year. In 1999 the Advice Center for Women and Girls, an NGO, conducted a poll that showed that as many as 64 percent of females claimed to be victims of domestic violence.

Many men, especially those from the northeastern part of the country, still follow the traditional code known as the "kanun," in which women are considered and treated as chattel. Also under the kanun, it is acceptable to kidnap young women for brides. This practice continues in some areas of the northeast.

Women are not excluded, by law or in practice, from any occupation; however, they are not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work, but no data are available on how well this principle is implemented in practice. Women enjoy equal access to higher education, but they are not accorded full and equal opportunity in their careers, and it is common for well-educated women to be underemployed or to work outside the field of their training. An increasing number of women are beginning to venture out on their own, opening shops and small businesses. Many are migrating along with men to Greece and Italy to seek employment.

Trafficking in women and girls for the purpose of prostitution is a serious problem (see Section 6.f.).

Children.—The Government's commitment to children's rights and welfare is codified in domestic law and through international agreements. The law provides for the right to at least 8 years of free education and also authorizes private schools. School attendance is mandatory through the eighth grade (or until age 18, whichever comes first). However, in practice many children leave school earlier than allowed by law in order to work with their families, especially in rural areas. According to recent statistics issued by the Ministry of Public Order and the Commission for Reconciliation of Blood Feuds, more than 2,000 children are endangered by blood feuds involving their families.

Child sexual abuse rarely is reported, but authorities and NGO's believe that it exists. According to the Ministry of Public Order, more than 300 cases of child sexual abuse were reported during the year. According to the Center for the Protection of Children's Rights (CRCA), more than 2,000 children between the ages of 13 and 18 are involved in prostitution rings. According to the same organization, a large number of children (as many as 4,000) work as child prostitutes in Greece, and trafficking in children is a serious problem (see Section 6.f.). Criminals may kidnap children from families or orphanages to be sold to prostitution or pedophilia rings abroad. Within the country, Roma children often work as beggars and the police generally ignore the practice. In Tirana and other cities, it is common to see children selling cigarettes and other items on the street.

People with Disabilities.—Widespread poverty, unregulated working conditions, and poor medical care pose significant problems for many disabled persons. The disabled are eligible for various forms of public assistance, but budgetary constraints mean that the amounts that they receive are very low. No law mandates accessibility to public buildings for people with disabilities, and little has been done in this regard.

Religious Minorities.—Relations among the various religious groups are generally amicable, and tolerance is widespread. Society largely is secular. Inter-marriage among religious groups is extremely common.

Unlike in the previous year, there were no reports that Orthodox churches were the targets of vandals.

The Archbishop of the Orthodox Church concluded that attacks on church property in the past were a result of vandalism rather than religious repression.

National/Racial/Ethnic Minorities.—The Government played a constructive role in maintaining the nation's generally positive record on the treatment of minorities. While no recent official statistics exist regarding the size of the various ethnic communities, ethnic Greeks are the most organized and receive the most attention and assistance from abroad. There also are small groups of Macedonians, Vlachs, and Roma.

Greek-language public elementary schools are common in much of the southern part of the country, where almost all ethnic Greeks live. However, there are no Greek-language high schools. There is a Greek chair at the University of Gjirokaster. The Greek minority association, Omonia, continued to press the authorities for more measures to protect the rights of the Greek minority, including the creation of additional Greek-language classes in some parts of the south. In May a fact-finding mission of the Albanian Helsinki Committee visited the ethnic Greek area of Dropulli. Every village in this zone has its own elementary-middle (8-year) school in the Greek language, regardless of the number of students. Five newspapers are published in the Greek language in this area, in addition to 15 Greek

papers and magazines distributed throughout the southern Albanian region. Radio Gjirokastra broadcasts a 45-minute program for the Greek community. Every teacher who teaches in the schools of the Greek minority zone receives, in addition to the salary given by the Albanian Government, a substantial monthly compensation of about \$140 (50,000 drachmas) from the Greek Government. Likewise retirees who belong to this community, in addition to the pension received from the Albanian Government, get substantial monthly compensation from the Greek Government.

Classes in the Macedonian language are available to students in the districts of Pogradeci and Devolli, on the border with the former Yugoslav Republic of Macedonia. The Macedonian Government provides texts for these classes free of charge. A considerable number of students from this area study at the universities of Skopje and Bitola. A small group of ethnic Montenegrins and Serbs live in the northern part of the country. A fact-finding mission of the Albanian Helsinki Committee visited the area in April and found that these communities have decreased in number because many of their members emigrated to Montenegro. This minority is not subject to any discrimination. People from this area receive scholarships from the Montenegrin Government for their children to study in Montenegro. No discrimination was reported against the Vlachs, who speak their own Romanian-related language as well as Albanian, or against the Cams, non-Orthodox ethnic Albanians who were exiled from Greece in 1944. Both groups live mainly in the south.

Two distinct groups of Roma, the Jevg and the Arrixhi (Gabel), are established in the country. The Jevg tend to be settled in urban areas and generally are more integrated into the economy than the Arrixhi. Roma are the most neglected minority group. Broadly speaking they suffer from high illiteracy, poor public health conditions, and marked economic disadvantages. Roma encounter much societal discrimination.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form independent trade unions. The 1993 Labor Code established procedures for the protection of workers' rights through collective bargaining agreements. Two major federations act as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership around 118,000) and the Albanian Confederation of Trade Unions (membership around 100,000). Both organizations again experienced a drop in membership during the year. Some unions chose not to join either of the federations. No union has an official political affiliation, and the Government does not provide any financial support for unions.

The Law on Major Constitutional Provisions and other legislation provides that all workers, except the uniformed military, the police, and some court officials have the right to strike. The law forbids strikes that are declared openly to be political or that are judged by the courts to be political.

Unions are free to join and maintain ties with international organizations, and many did so during the year.

b. The Right to Organize and Bargain Collectively.—Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, have the constitutional right to organize and bargain collectively. In practice unions representing public sector employees negotiate directly with the Government.

Labor unions do not operate from a position of strength, given the country's very high level of unemployment. Effective collective bargaining in these circumstances is difficult, and agreements are hard to enforce.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Law on Major Constitutional Provisions and the Labor Code prohibit forced or compulsory labor; however, trafficking in women for purposes of prostitution is a serious problem (see Section 6.f.). The law also forbids forced or bonded labor by children; however, there were reports that children are trafficked and forced to work abroad as prostitutes or beggars (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age of employment at 16 years and limits the amount and type of labor that can be performed by persons under the age of 18. Children between the ages of 14 and 16 legally may work in part-time jobs during summer vacation. Primary school education is compulsory and free through age 18 or the eighth grade, whichever comes first; however, in rural areas, children continue to assist families in farm work.

The Ministry of Labor may enforce minimum age requirements through the courts, but no recent cases of this actually occurring were known. In Tirana and

other cities, it is common to see children selling cigarettes and other items on the street. The Government has not yet signed ILO Convention 182.

The law forbids forced or bonded labor by children; however, trafficking in children is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The legal minimum wage for all workers over the age of 16 is approximately \$50 (6,380 lek) per month, which is not sufficient to provide a decent standard of living for a worker and family. Many workers look for second jobs, which are difficult to find. Remittances from those working abroad are very important for many families. The law provides for social assistance (income support) and unemployment compensation, but these are very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector is approximately \$100 (13,201 lek) per month.

The difference between the monthly average wage of persons who live in the rural and urban areas is considerable: Persons who work and live in urban areas earn almost 50 percent more than those who live and work in rural areas. Data from the National Institute of Statistics indicated that in rural areas more than 20 percent of persons live under the official poverty line, while in urban areas the figure is 11 percent. Nationwide over 17 percent of the population live under the official poverty line. No data are available for private sector wages, but they are believed to be considerably higher than in the public sector.

The legal maximum workweek is 48 hours, although in practice hours typically are set by individual or collective agreement. Many persons work 6 days a week.

The Government sets occupational health and safety standards, but it has limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace generally are very poor and often dangerous. In 1999 there were five deaths recorded in the construction industry; the victims' families did not receive any financial support from the state social security administration because the workers were not insured. The Labor Code lists the safety obligations of employers and employees but does not provide specific protection for workers who choose to leave a workplace because of hazardous conditions.

f. Trafficking in Persons.—The law does not criminalize trafficking in persons, although anti-kidnaping laws may be used to prosecute such cases; however, trafficking in women for the purpose of prostitution and trafficking in children are serious problems. While the exact number of Albanian women that are trafficked is unknown, an Albanian NGO estimates that there were about 30,000 working abroad as prostitutes, in Turkey and other countries during the year. The country also is one of the major transit countries for the trafficking of women from Moldova and Romania in particular, and from Bulgaria, Russia, and Ukraine. These women are brought into the country, mainly through Montenegro, then clandestinely transported to neighboring countries such as Italy and Greece. Trafficking in children also is a serious problem. Criminals may kidnap children from families or orphanages to be sold to pedophilia rings abroad.

Police treatment of women trafficked from Albania and third countries remains a problem. There is a lack of appropriate facilities for such women, and trafficked women often are detained in police stations for extended periods of time (see section 1.d).

Trafficked women periodically are arrested and prosecuted for prostitution. The Italian Guardia di Finanza (Fiscal Police), which patrols the Adriatic for traffickers, claims to turn back between five and eight scafis (rubber boats used by traffickers) each night, although not all of these necessarily involved trafficked women.

The Government has begun to initiate limited law enforcement and legal reforms to combat the problem; however, porous borders, poorly trained and corrupt law enforcement and judiciary officials, legal loopholes, and lack of government will have hampered these efforts. The Prosecutor General's Office confirmed that very few cases against traffickers were presented during the year.

Several NGO's address the problem of trafficking on case-by-case basis; however, given the scope of the trafficking problem and limited resources to address individual reintegration, most victims of trafficking receive little or no assistance. The reintegration of trafficked women to their homes sometimes is problematic. In some cases, women simply are returned to the family members who sold them to traffickers in the first place, or to the same situation from which they were trafficked, which often leads to these women being re-trafficked. In addition victims of trafficking often are forced or deceived into bonded labor and live in violent and abusive conditions, which leaves them with physical and mental scars. As a result, sheltering, counseling, and reintegrating victims is a difficult undertaking.

The International Organization for Migration and the International Catholic Migration Commission have established an inter-agency referral system that enables

a group of organizations to jointly provide return and reintegration assistance to women who are victims of trafficking. From January through June, 65 women were returned through the program. This system also provides a framework to assist with temporary shelter and return assistance for trafficking victims from other countries that want to return from Albania to their home countries.

ANDORRA

The Principality of Andorra is a constitutional parliamentary democracy. Two Princes with joint authority, representing secular and religious authorities, have headed the Principality since 1278. Under the 1993 Constitution, the two Princes—the President of France and the Catholic Bishop of Seu d'Urgell, Spain—serve equally as heads of state, and are represented each in Andorra by a delegate. Elections were held in 1997 to choose members of the “Consell General” (the Parliament), which selects the head of government. The judiciary functions independently.

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

The market-based economy is influenced significantly by those of its neighbors France and Spain. After some years of a serious recession, the economy is undergoing a period of economic expansion. Commerce and tourism are the main sources of income. Because of banking secrecy laws, the financial services sector is growing in importance.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

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

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

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

In June an attorney filed a complaint against the director of the police, 2 police commissioners and 11 members of the police force, alleging he was arrested illegally. This case was still pending at year's end.

In spite of the request of the Council of Europe's Committee for the Prevention of Torture, the Government has declined thus far to modify the law to provide arrested individuals access to an attorney from the moment of arrest. Legislation now provides legal assistance only 24 hours after the time of arrest.

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

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

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

The judiciary provided citizens with a fair and efficient judicial process.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

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

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for these rights, and the Government respects them in practice. Since adoption of the 1993 Constitution, the Government has registered various parties; some of them have dissolved.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, “in accordance with Andorran tradition.” The Catholic Church receives no direct subsidies from the Government, although some payment is provided to the church for maintenance of birth and death records. Catholic religious instruction is available to students in public schools on an optional basis, outside of both regular school hours and during the time frame set aside for elective school activities, such as civics or ethics. The Catholic Church provides teachers for these classes, and the Government pays their salaries. The Government professes willingness to provide instruction in other religions on the same basis, if parents so request; however, at years end no parent’s requested instruction in any religions other than the Catholic religion.

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

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. It is government policy not to expel persons having valid claims to refugee status, and there were no reports of such expulsions. The issue of first asylum did not arise during the year.

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

The 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.

Women are underrepresented in government and politics. Although progress has been made and there are no formal barriers, few women have run for office. One out of 28 Members of Parliament is a woman, and 1 woman holds a cabinet level position.

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

The Government accepts international and nongovernmental investigations of allegations of human rights abuses. Approximately 10 human rights associations exist in the country, the most active being the Association of Immigrants in Andorra (AIA) and the Association of Andorran Women (AAW). The first defends the rights of foreign residents. The second actively supports women’s rights. The latter collaborates with the Department of Public Health and Social Welfare to help battered women, single parent families, and others in need. In spite of demands from the two organizations, the Government has declined to create a department specifically for women’s issues.

In one case, a citizen filed a complaint with the European Court of Human Rights when the judge in his case disallowed his appeal to the Constitutional Court. The appeal contended that his trial was not sufficiently impartial. However, the court, after studying the case, did not accept the complaint and stated that no violation of human rights had occurred.

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

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

Women.—There is no specific legislation regarding violence against women. Article 8.2 of the Constitution is applied in such cases. The AIA and the AAW received more than 60 complaints of physical and psychological violence against women, as compared with 4 in 1999. The associates maintained that the number is increasing. They also asserted that such domestic violence existed at all levels of society. Women suffering from domestic violence requested help from Women’s Associations,

but very rarely filed a complaint with the police. No complaints are known to have been filed with the police by year's end.

In theory there is no legal discrimination against women, privately or professionally; however, the AAW reported that in practice, there have been many cases of women dismissed from employment due to pregnancy. Discriminatory wage differentials were reportedly common, with some women's wages an average of 32 percent lower than their male counterparts' earnings. The Association actively promoted women's issues through information exchanges and limited direct support to those in need.

Children.—The Government's commitment to children's welfare is demonstrated by its systems of health care and education. Free public education begins at age 4 and is compulsory until age 16. The Government provides free nursery schools, although the existing number falls short of the need.

On September 7, the Government signed an optional protocol of the Convention of the Rights of Children related to selling of children, child prostitution, and child pornography.

There is no societal pattern of abuse of children.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to new buildings for people with disabilities, and the Government enforces these provisions in practice.

National/Racial/Ethnic Minorities.—Spanish nationals are the largest group of foreign residents, accounting for approximately 43 percent of the population. Other sizable foreign groups are Portuguese, French, and British. A small but fast growing group of immigrants, especially from North Africa, work mostly in agriculture and construction.

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

More than 4,000 immigrants do not have work permits or residence permits because the quota for immigration is not as high as the number of workers needed and employed in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes the right of all persons to form and maintain managerial, professional, and trade union associations without prejudice. In accordance with constitutional provisions, a registry of associations was established in 1996 and is being maintained. Strikes were illegal under the old system, and the new Constitution does not state explicitly that strikes are permitted.

b. The Right to Organize and Bargain Collectively.—The Constitution states that both "workers and employers have the right to defend their own economic and social interests." Parliament is charged with adopting legislation to regulate this right in order to guarantee the provision of essential services, such as the vital services of doctors, nurses, and police. Antiunion discrimination is not prohibited under the law. Approximately 600 associations exist in the country and have registered within the Government's Register of Association by year's end, this figure includes cultural associations, workers associations, foreign associations, colleges and attorney's, colleges of physicians, and a police trade union. No unions have emerged among workers in the private sector. No figure is available regarding the percentage of unionized labor. A partial reason for this circumstance is that no statute regarding labor relations and unionization has been elaborated. Even the police union functions more as a professional association than as a syndicate.

In November the Government signed the European Social Charter.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced and bonded labor, including that performed by children specifically, but such practices are not known to occur.

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

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

e. Acceptable Conditions of Work.—The workweek is limited to 40 hours, although employers may require overtime from workers. The legal maximums for overtime hours are 66 hours per month and 426 hours per year. An official minimum wage is set by government regulations. Other, higher wages are established by contract. The minimum wage is approximately \$3.45 (674 pesetas) per hour and approximately \$599 (116,827 pesetas) per month. The minimum wage barely provides a decent standard of living for a worker and family. The Labor Inspection Office enforces minimum wage observance. Workers can be dismissed with 15 days' to 6 months' notice, depending on how long they have been working for the company. A minimal indemnification of 1 month's salary per year worked is paid if a worker is fired without justification.

A dismissed worker receives unemployment and health benefits for only 25 days. A board composed of Andorran nationals, although they represent only a small portion of the work force, controls retirement benefits. The Labor Inspection Service hears labor complaints.

The Labor Inspection Service sets occupational health and safety standards and takes the necessary steps to see that they are enforced. During the past year, the Labor Inspection Service filed 145 complaints against companies for violating labor regulations, and it has the authority to levy sanctions and fines against such companies. The law authorizes employees to refuse certain tasks if their employers do not provide the customary level of protection. No legislation grants workers the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, from, or within the country. Nor is the country a transit point for traffic in persons. However, the law does provide punishment for traffickers of illegal workers.

ARMENIA

Armenia has a Constitution that provides for the separation of powers; however, the directly elected President has extensive powers of appointment and decree that are not balanced by the legislature or an independent judiciary. The President appoints the Prime Minister, who is in charge of the Cabinet. Robert Kocharian was elected President in a multi-candidate election in 1998 after former President Levon Ter-Petrossian was forced to resign by his former political allies in the Government and Parliament. There were flaws in both rounds of the 1998 presidential elections. Organization for Security and Cooperation in Europe (OSCE) observers witnessed very substantial irregularities and concluded that the elections seriously challenged international democratic norms in regard to most key criteria. These irregularities inflated the number of votes for Kocharian. Nonetheless, the 1998 elections, the May 1999 Parliamentary and October 1999 municipal elections, and several 2000 by-elections showed continued improvement over past elections with respect to voting practice and vote-counting, as well as the ability of a pluralistic group of candidates to campaign freely. Although irregularities marred both the parliamentary and local elections in 1999, OSCE observers categorized the former as a relevant step toward compliance with OSCE commitments, but stated that they still failed to meet international standards, with problems in many precincts such as inaccurate or obsolete voting lists, the presence of unauthorized personnel during the voting and counting processes, and possible irregularities involving voting of military personnel. Some local observers reported that 1999 municipal elections and by-elections in 2000 also were flawed by poor voter lists and by disappearance or non-distribution of unmarked ballots. The Parliament differs from previous ones in two important ways: First, members are required to serve full-time and not to hold jobs outside the legislature, and second, the number of seats was reduced from 190 to 131. The current majority, made up of a coalition called Unity, includes the two largest parties, the Republican Party and the Peoples' Party. Unity is assisted by a group of loosely organized independents who call themselves the Stability Bloc. This Bloc split in December with a minority faction renaming itself the "Democrats." Some deputies from Unity left the group during the year over policy differences and formed a bloc called Hayastan, which opposes the Government on some issues, and reduced but not eliminated Unity's majority. The legislature approves new laws, must confirm the Prime Minister's program, and can remove the Prime Minister by a vote of no confidence. Both the Government and the legislature can propose legis-

lation. The Constitution provides for an independent judiciary; however, in practice, judges are subject to pressure from the executive branch and corruption.

The Ministries of Internal Affairs and of National Security, formerly one ministry which split in 1999, are jointly responsible for domestic security, intelligence activities, border controls, and the national police force. Members of the security forces committed human rights abuses.

The transition from a centralized, controlled economy to a market economy continued to move forward, although the industrial sector still is not functioning at peak capacity and its output remains low. Unemployment remains high, resulting in a high degree of income inequality, but the exact figure is difficult to quantify. This is because a significant amount of economic activity, perhaps as much as 40 percent, is not captured by government accounting or taxation; unemployment is approximately 12.1 percent according to the Government; however, other services estimate the unemployment rate to be approximately 50 percent. Women form a disproportionately large number of the unemployed. Most small and medium-sized enterprises have been privatized, as has most agricultural land. All landowners now have received titles to their land, which are protected by the Constitution. The passage of a bill establishing a strict and transparent system for bidding on privatization of the electrical distribution network in August, was seen as a major step forward in establishing a system for fair and transparent privatization of state enterprises. Out-migration remains a serious problem. The gross domestic product (GDP) increased about 2.5 percent, to about \$600 per capita. Inflation fell to below 1 percent for the year. Foreign assistance and remittances from Armenians abroad play a major role in sustaining the economy, although the financial crisis in Russia, where many Armenians have gone to look for work, cut deeply into the flow of remittances. The Government is working to resolve its current budget deficit through increasing the tax collection rate, as well as by continuing cuts in most areas of government spending.

The Government's human rights record was poor in several important areas, and although there were improvements in a few areas, problems persist in numerous areas. Substantial intervention by local power structures in the election process continues to restrict citizens' ability to change their Government peacefully. There were no reports that members of the security forces committed extrajudicial killings due to severe beatings and mistreatment in detention. However, there were no reports of government action against individuals who may have been responsible for the reported 54 deaths in custody in 1999. Members of the security forces routinely beat detainees during arrest and interrogation, arbitrarily arrested and detained persons without warrants, and did not respect constitutional protections regarding privacy and due process. Impunity remains a problem, and the Government rarely investigates abuses by members of the security forces. Prison conditions did improve; however, they still are harsh and life-threatening. Lengthy pretrial detention is a problem. During the year, parliamentary commissions were allowed to visit military camps and hear complaints about abuses from recruits. The judiciary is subject to political pressure and does not enforce constitutional protections effectively. There are some limits on press freedom, and many journalists practice self-censorship. State television, which refrains from criticizing government policy, remains the major source of news for most of the population, but independent television and newspapers, along with private radio stations, offer substantial competition. The nongovernmental media often criticize the country's leadership and policies. Burdensome registration requirements hinder freedom of association. The law places some restrictions on religious freedom, including a prohibition against proselytizing by religions other than the Armenian Apostolic Church. Registration requirements for religious groups kept Jehovah's Witnesses from operating legally, and 41 Jehovah's Witnesses are in jail for refusing military service. The Government places some restrictions on freedom of movement. Discrimination against women, the disabled, and minorities remains a problem. The plight of street children is a significant problem. Trafficking in women and girls also is a problem.

After President Kocharian's election in 1998, a number of commissions were established, and a constitutional referendum was proposed, with the goal of improving human rights and reforming the judiciary. By year's end, none of the proposed recommendations had been implemented, and no referendum had been held.

In October 1999, five terrorists entered the National Assembly and killed the Prime Minister, the Speaker of the National Assembly, six other deputies or members of the Government, and wounded at least five more persons. An investigation of the killings, conducted by the Deputy Prosecutor General, resulted in the detention of 19 persons, including a deputy of the National Assembly, the then presidential chief of staff, and the deputy chief of state television. Five persons subsequently were released after spending several months in jail when evidence proved

insufficient to charge them. Another detainee died in prison in September, apparently of accidental electrocution. The trial of the remaining accused was scheduled to begin in late October but was postponed at the request of defense attorneys and is scheduled to begin in February 2001.

Defense attorneys and the press accused the Deputy Prosecutor General of using coercion, including physical abuse of the accused, to extract evidence, and President Kocharian expressed concern that the rights of the accused be respected.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings. The Government took no action by year's end regarding 54 cases of deaths in custody in 1999, which the International Helsinki Federation had asked it to investigate. The cases of Stepan Gevorgian and Arsen Stepanian were closed during the year due to lack of evidence.

There were a significant number of deaths of military servicemen reportedly due to mistreatment and training related accidents (see Section 1.c.).

According to an August announcement by the prosecutor general's office, in 1999 there were 54 deaths in custody due to beatings and mistreatment in detention. No information on such incidents were available by year's end. Norayr Yeghiazarian, a detainee awaiting trial in connection with the October 1999 shootings in Parliament (see below), was found dead in his cell in September. The Ministry of National Security announced, and other prisoners in his cell confirmed, that he was accidentally electrocuted through improper handling of an electrical appliance.

Prison conditions are harsh and life-threatening, and medical treatment is inadequate. There were a number of deaths in prison due to disease (see Section 1.c.). The International Committee of the Red Cross (ICRC) signed an agreement with the Government in June to open a tuberculosis facility for inmates.

Former Minister of Interior and Mayor of Yerevan Vano Siradeghian was charged with 10 counts of murder and plotting to commit murder and his trial began on January 10. On April 1, the National Assembly voted to strip Siradeghian, a National Assembly deputy, of his parliamentary immunity. Siradeghian disappeared on April 3 and is believed to have fled the country. In a court case related to Siradeghian, an armed gang led by Armen Ter-Sahakian went on trial in May. All of the gang members were former Interior Ministry employees and confessed to various misdeeds prior to the trial. In their confessions, the nine accused, claimed to have been members of a hit squad that carried out several murders on Siradeghian's orders, including the murder of Armenian Railroads Director Hambartzum Ghandilian, Ashtarak district executive committee chairman Hovhannes Sukiasian, and the attempted murder of Vladimir Grigorian, Head of the Prosecutor General's investigative department. They also confessed to extortion, robbery, and illegal possession of weapons. All were found guilty in August. Ter-Sahakian and Alik Grigoryan were sentenced to death, while the remaining six accused received prison terms from 4 to 11 years. The death penalty currently is in abeyance and is expected to be abolished soon, in such a case it is expected that the two death sentences would be commuted to lengthy imprisonment.

Another court case related to Siradeghian involved the trial of a group of 11 persons led by Vahan Harutyunian, former Deputy Minister of Interior and ex-Commander of Internal Troops. All of 11 were found guilty of murder, attempted murder, abuse of power, and complicity in murder. The prison terms for six of them varied from 6 to 15 years, while five subsequently were released under the terms of two amnesties passed by the National Assembly in 1997 and 1998. Several of those convicted announced that they would appeal.

On October 27, 1999, five terrorists opened fire on a session of Parliament with automatic weapons. They killed the Prime Minister, the Speaker of Parliament, the two Deputy Speakers, the Minister for Special Projects, and three deputies, and wounded the Minister of Privatization and four other deputies, some critically. According to reported statements by the gunmen both before and after they surrendered to security forces, their motives appeared to be both political and personal.

The Deputy Prosecutor General (who is also the military prosecutor) was placed in charge of the investigation of the shootings. By the end of 1999, 19 persons, including a National Assembly deputy (who was stripped of his immunity by a vote of that body), the then-presidential chief of staff and advisor, and the deputy chief of state television, had been imprisoned under legal provisions permitting the detention of criminal suspects whether or not they had been accused legally. The investigation was criticized by attorneys for the accused, by the media, and by representatives of human rights organizations for alleged human rights abuses, including

physical and mental coercion of the detainees. Gagik Jahangiran, the military prosecutor investigating the case, repeatedly rejected calls for the creation of a special Parliamentary investigation to ensure an impartial investigation. During the year, four of the accused, including the presidential advisor, the Parliamentarian, and the deputy chief of state television, were released, and charges against them dropped. The military prosecutor admitted that the evidence was insufficient to hold them. One detainee was released on bail for health reasons, and another prisoner was found dead in his cell in September (see above). The trials of the 13 accused are scheduled to begin in February 2001 due to requests by the attorneys for the accused that they have time to evaluate the evidence.

No progress was announced in the investigation of the December 1998 killing of Deputy Minister of Defense Vahram Khorkhoruni. In September 1999, the death of Deputy Minister of Interior and National Security and Head of Internal Troops Artsrun Margarian, who was found shot in February 1999, officially was ruled a suicide. In March a guilty verdict was reached in the case of Dr. Hrant Papikian, who was held in connection with an alleged previous attack on Margaryan; Papikian appealed to the Court of Cassation, which reduced his sentence to 10 months; and since he already had served that amount of time, he was released on March 22.

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

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

In July the Government unilaterally released five Azeri prisoners of war (POW's) under OSCE/ICRC auspices; Azerbaijan reciprocated by unilaterally releasing two Armenian POW's. In August Armenia released another recently captured POW, and announced that it now held only one Azeri soldier, who did not wish to be repatriated (which the OSCE verified), and one Azeri civilian, who was believed to be a criminal fleeing Azeri police.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The Constitution and laws prohibit torture; however, the practice of security personnel beating pretrial detainees during arrest and interrogation remains a routine part of criminal investigations, and prosecutors rely on such confessions to secure convictions. Most cases of police brutality go unreported, due to fear of police retribution. Impunity remains a problem.

In 1999, there were 54 cases of death in custody due to beatings and other abuse (see Section 1.a.).

Attorneys for the 19 detainees held in the October 1999 killings in Parliament claimed in the media that the accused were being held in inhuman conditions and were beaten during interrogations. Representatives of the government-appointed Commission on Human Rights, after several attempts, were able to see the detainees and were told by the men that they had been coerced physically and mentally into confessions. The Commission reported no obvious evidence of physical abuse. A parliamentary commission was allowed to see imprisoned Deputy Mushhegh Movsesian and confirmed that he showed signs of having been abused physically. The four detainees released in mid-year told media that they had been mistreated. Former presidential Chief of Staff Alexan Harutyunian said that as part of his release agreements, he had promised not to talk to the media about the details of his case.

Although defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions, and according to law all such charges must be investigated, judges and prosecutors routinely ignore such complaints even when the perpetrator can be identified.

The Government has not conducted investigations of abuse by security services except in rare cases where death has resulted and under pressure from human rights groups. The number of deaths of conscripts from training accidents and physical abuse decreased by 18 percent compared with 1999, according to government figures. While this number cannot be verified, based on information from a human rights group, the figure of 16 to 20 noncombat deaths per month from all causes during the year appears to be accurate. Amnesty International stated that a conscript arrested for being absent without leave was beaten so badly in August 1998 that he subsequently died. The case currently is pending in the Echmiatsin regional court. There are no separate military courts (see Section 1.e.). Military cases, many of which are settled administratively, that do go to trial in civilian courts are handled by the military prosecutor's office.

The Ministry of Defense cites reasons of "national security" in declining to provide exact details on some cases, citing the fact that the country remains technically in a state of war with Azerbaijan.

During the year members of the Yezidi ethnic-religious minority continued to complain that "hazing" and beating of conscripts, common throughout the former Soviet

Union, especially are severe for Yezidi conscripts (see Section 5). In July parents of recruits killed or injured during the training process held demonstrations for several days near the presidential palace and met with officials of the presidency (but not with the President himself) to discuss their complaints.

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

Homosexuals complain that police physically and mentally abuse them, especially if they have no means to pay police extortion. Persons accused of homosexuality in the military generally are believed to suffer beatings and other physical abuse above and beyond that inflicted on other recruits.

There were unsubstantiated reports that security authorities confine persons in mental institutions as a form of detention (see Section 1.d.).

Prison conditions are harsh and life-threatening. Facilities are often overcrowded, and food is inadequate to preserve health unless supplemented by assistance from families. Medical and sanitary facilities in prisons are inadequate. Tuberculosis and other communicable diseases are common, and there were a number of deaths from such diseases during the year. Although, in principle, an agreement has been reached to transfer responsibility for prisons from the Ministry of Internal Affairs to the Ministry of Justice with a goal of improved oversight, no formal action to that effect was taken by year's end. Physical abuse by guards and other prisoners is a problem. In August the Prosecutor General's office announced that 54 prisoners had died in prison in 1999, the highest count for any year since independence in 1991. The Government's Human Rights Commission visited the main prison in Gyumri in October and reported that it found conditions there to be "shocking" with the prison filthy, cold, and in poor repair. Officials were indifferent to the welfare of the prisoners. The Commission reported that complaints mailed to them by prisoners were intercepted and given instead to the prison's warden.

According to his lawyer, the Ministry of Internal Affairs staff continued to physically abuse former Minister of Education Ashot Bleyan while he awaited trial on corruption charges (see Section 1.d.). While Bleyan's appeal that his case be dropped was refused, in July the Presidential Human Rights Commission recommended that Bleyan be detained under more humane conditions.

The ICRC had free access to detention facilities run by the Ministry of Interior. In these facilities, the ICRC is able to visit, according to its standard modalities, any prisoner in whom it has an interest, whether in prisons or in local police stations. The ICRC also had free and regular access to remaining POW's from the Nagorno-Karabakh conflict in the prison of the Ministry of National Security and in military police stations. The ICRC also had access to POW's in Nagorno-Karabakh. In July and August, Armenia and Azerbaijan exchanged POW's under OSCE and ICRC auspices (see Section 1.b.).

d. Arbitrary Arrest, Detention or Exile.—Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses. The police frequently imprisoned detainees without notification of their family members. Often several days pass before family members obtain information about an arrest and the person's location. Security agencies often restrict access of lawyers and family members to prisoners until the preliminary investigation phase is complete, a process that can last weeks. During the investigation of the October 1999 shootings, five persons were arrested and held for a period of approximately 5 months in the Ministry of National Security's special detainment facilities. They then were released and charges against them were dropped (see Section 1.a.).

The Government allowed ICRC representatives and a parliamentary investigating committee to visit those detained in relation with the October 1999 shootings. The detainees also were permitted contact with lawyers, although their attorneys complained that this contact was insufficient and restricted. However, requests by a local human rights monitoring group to visit the men to check allegations of physical and mental abuse against the prisoners were denied.

The transitional provisions of the Constitution provide that Soviet-era procedures for searches and arrests were to continue until the new Criminal Code and Criminal Procedure Code came into effect in January 1999. Although the Criminal Procedure Code entered into force, the Criminal Code remains under consideration in Parliament (see Section 1.e.). A suspect may be detained for no more than 12 months pending trial, after which the suspect must be released or tried; however, this latter provision is not always enforced. There is no provision for bail, although detainees may sign a document and remain at liberty under their own recognizance pending trial.

Former Education Minister Ashot Bleyan was held by law enforcement officials for several months after being charged in 1999 with embezzlement of public funds intended for the purchase of textbooks (see Section 1.c.). Bleyan's lawyer charged, both in 1999 and during the year, that his client has been abused physically and kept in harsh conditions in an attempt to force a confession. Bleyan's July appeal to have his case dropped was denied, but the Presidential Commission on Human Rights recommended in July that his conditions of imprisonment be eased. After an 8 month trial, Bleyan was sentenced to 8 years in prison in October for embezzlement of state property. Bleyan has claimed that the charges against him were fabricated for political reasons (see Section 1.e.).

On October 30, Arkady Vardanyan a Moscow-based Armenian businessmen who is a Russian citizen, led a demonstration in Yerevan of approximately 10,000 persons calling for the removal of the Government. After the demonstration, Vardanyan was taken into custody and sentenced to 11 days detention on the charge that he had a permit for a demonstration but not a march (see Section 2.b.). After 11 days, Vardanyan was not released; however, one of his attorneys that was arrested with him was released. The Prosecutor General's office announced that Vardanyan was being charged with seeking and advocating the overthrow of the Government by violence. A trial date has not been set. Russian consular officers are allowed access to Vardanyan in prison in order to ensure that his rights are respected.

At year's end, 41 Jehovah's Witnesses were in detention for refusal to serve in the military services (see Section 2.c.).

Armed forces recruiters sometimes take hostages to compel the surrender of draft-evading or deserting relatives (see Section 1.f.).

A local human rights group has made unsubstantiated allegations that there are cases in which security authorities use confinement in mental institutions as an alternative form of detention.

The ICRC reported that civilian and military personnel on all sides of the Nagorno-Karabakh conflict still occasionally may engage in cross-border hostage-taking, sometimes to win release of a friend or relative held on the other side but more often for financial gain. The ICRC, in coordination with the OSCE, has facilitated a number of prisoner exchanges, most recently in August, but has no access to undeclared hostages.

There were no reports of forced exile.

e. Denial of Fair Public Trial.—The Constitution nominally provides for an independent judiciary; however, in practice, courts are subject to pressure from the executive branch and to corruption. The Constitution's provisions do not insulate the courts fully from political pressure. Other legal and constitutional provisions make judges and prosecutors dependent on the executive branch for their employment. The inherited Soviet system views the court largely as a rubber stamp for the prosecutor and not a defender of citizens' rights. Though legislation passed in 1998 reduced significantly prosecutor's supervision of civil cases, prosecutors still greatly overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, headed by the President, the Prosecutor General, and the Justice Minister, appoints and disciplines judges for the tribunal courts of first instance, review courts, and the Court of Appeals. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges. This authority gives the President dominant influence in appointing and dismissing judges at all levels. Judges are subject to review by the President through the Council of Justice after 3 years, unless they are found guilty of malfeasance.

The 1995 Constitution required a new three-level court system. The highest court, the Court of Cassation, began functioning in the summer of 1998. Judges for the two lower-level courts, the appellate court and courts of the first instance, began functioning in January 1999. First instance courts try most cases, with a right of appeal to the Court of Appeals and then to the Court of Cassation. The Constitutional Court rules on the conformity of legislation with the Constitution, approves international agreements, and decides election-related legal questions. It can accept only cases proposed by the President, by two-thirds of all parliamentary deputies, or election-related cases brought by candidates for Parliament or the presidency. Due to these limitations, the Constitutional Court cannot ensure effectively constitutional human rights safeguards.

The selection of judges was based on: Their scores on a multiple choice test to determine their fitness to be judges under the new system based on previously published information regarding the new legal codes, and their interviews with the Minister of Justice. Next, the list of nominations was approved by the Council of Justice and, finally, by the President. About 55 percent of the appointed judges in 1999 had been judges under the old structure. Based on the results of this 4-stage selection, 123 judges were appointed to the new courts in January 1999. Unless they are

found guilty of malfeasance, their tenure is permanent until they reach the age of 65.

The judicial system continued to be in transition. As part of the package of judicial reform legislation mandated by the Constitution, in 1999 both prosecutors and defense counsels began a process of retraining and recertification in order to retain their positions, which still is occurring.

A proposed new Criminal Code, which is intended to clarify contradictory provisions of the law and create a more unitary, modern, and workable legal system has not yet been approved. The new draft Criminal Code consists of general and special parts; the general part passed second reading in Parliament in November 1997, but the special part, presented for a second reading in November 1998, failed to obtain a quorum and had not been reconsidered by year's end. Two other new codes, the Civil Code and the Criminal Procedures Code, were passed in the summer of 1998.

The new criminal procedure code does not allow detainees to file a complaint in court prior to trial to redress abuses by the procuracy, police, or other security forces during criminal investigations. Under the new code, the police may detain individuals for up to 12 hours before notifying family members, witnesses have no right to legal counsel during questioning while in police custody—even though failure to testify is a criminal offense—and detainees must seek permission from the police or procuracy to obtain a forensic medical examination to substantiate a report of torture.

Under the proposed new judicial code, prosecutors are expected to continue to have more influence than judges do.

A commission to amend the Constitution's chapter on the judiciary, the second such body to undertake this task, reportedly is working on measures to increase judicial independence that are critical to the success of judicial reform. In July the President discharged by decree old members and appointed new members to the commission. Such constitutional revisions must pass both Parliament and a national referendum.

The military legal system operates essentially as it did during the Soviet era. There is no military court system; trials involving military personnel take place in the civil court system and are handled by military prosecutors. Military prosecutors perform the same functions as their civilian counterparts; pending the passage of the new Criminal Code, they operate in accordance with the Soviet-era Criminal Code. In 1998 the military prosecutor abolished military ranks for the prosecutors in his service. In November 1999, the military prosecutor was named deputy prosecutor general and placed in charge of the investigation into the October 1999 shootings in Parliament.

All trials are public except when government secrets are at issue. Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment. Defendants have access to a lawyer of their own choosing. The court appoints an attorney for any defendant who needs one. Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them; however, the constitutionally mandated presumption of innocence is ineffective, and acquittals are rare once a case comes to trial. Defendants and prosecutors have the right of appeal.

There were no reports of political prisoners; however, supporters of both Ashot Bleyan and Arkady Vardanyan claimed that the two were political prisoners. Bleyan was imprisoned on charges of embezzlement, and Vardanyan was detained on charges of attempting to overthrow the Government by force.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits unauthorized searches and provides for citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone must find a compelling need for the wiretap before granting the agency permission to proceed. No evidence of illegal wiretapping came to public attention during the year.

The law requires security forces to obtain a search warrant from a judge before conducting a search. Security forces were refused warrant issuance due to lack of evidence in several cases; however, in practice there were charges that searches continued to be made without a warrant, both in regard to the October 1999 killings in parliament and in the arrest of Arkady Vardanyan (see Section 2.b.). The Constitution provides that the judiciary must exclude evidence obtained without a warrant. Legislation passed in 1997 to improve security of bank deposits has been enforced.

There continued to be violations of the right to privacy during army conscription drives. Armed forces recruiters sometimes take hostages to compel the surrender of draft-evading or deserting relatives. There are credible reports of improper, forced

conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. The parents of such refugees are reluctant to complain because they fear reprisals against their sons. There were no reported cases of punitive conscription of males who offended local officials. Sweep operations for draft-age men have ceased to be carried out, although police sometimes maintain surveillance of draft-age men to prevent them from fleeing the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, while the Government generally respects freedom of speech, there are some limits on freedom of the press, and journalists practice self-censorship. There is no official censorship, publications present a variety of views, and the opposition press regularly criticizes government policies and leaders, including the President, on sensitive issues such as the Nagorno-Karabakh peace process and privatization.

However, to avoid retribution experienced in years past on the part of powerful officials and other individuals, most journalists practice self-censorship, particularly in reporting on major corruption or national security issues. Journalists remain cautious in their reporting, and the range of subjects the Government considers sensitive for national security reasons is relatively large. Some members of the press, but not all, have access to army facilities and places of detention. Even in cases where they do have such access, permission for media to visit them involves a prolonged and cumbersome bureaucratic process.

Newspapers, with the exception of Hayastani Hanrapetutyun (a joint venture between Parliament and its staff) and Respublica Armenia (which ceased publication in June), are privately owned. The state printing house and distribution agency both now function as commercial enterprises, with no visible government intervention.

The editor of the sensationalist political tabloid Oragir and its successor Haykakan Zhamanak, Nikol Pashinian, was found guilty in 1999 of libel, slander, libeling a public official, and contempt of court (for not publishing a retraction demanded by a court) and sentenced to 1 year of corrective labor and ordered to pay a fine of \$25,000 (13.5 million drams). Pashinian appealed the judgement and did not pay the fine; other Armenian journalists, who up to then had been largely non-supportive of his case, passed a resolution denouncing the punishment as unduly harsh and for several weeks rallied almost daily in front of the President's office demanding a more lenient sentence. In January Pashinian's sentence was reduced to a 1-year suspended sentence by an appeals judge who said the original sentence in fact was too harsh.

No legal actions were announced during the year regarding the beatings of the Haykakan Zhamanak staff on December 23, 1999. The offices of Haykakan Zhamanak were invaded by approximately a dozen men who beat and kicked Pashinian and other male members of the staff. The gang reportedly was led by a local businessman who was angered by an article in Haykakan Zhamanak that accused him of corruption. Pashinian afterwards announced that he would not file charges against his assailants, but that he expected them to apologize to all journalists for the attack. No legal action was taken in the case of arson at the Yerevan office of the Russian newspaper *Novoye Vremya* in December 1999. A police investigation was unable to reach any conclusions, and the case was closed during the year.

Newspapers operate with extremely limited resources, and none are completely independent of patronage from economic or political interest groups or individuals. Due to prevailing economic conditions, total newspaper circulation is small (40,000 copies, by the Department of Information's estimates, or about 1 copy per 100 persons). The state-owned newspaper printing and distribution companies have been privatized, except for a small government stake.

State institutions that previously had tended to exert control over the media have lost most of their functions. The Department of Information, created in 1997 to replace the disbanded Ministry of Information, continued to exist, but with no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers. A board created in late 1997 with representatives from the President's Office, Government, and Parliament, to supervise the transformation of the state-owned press agency, printing, and newspaper distribution into commercial enterprises, has not been active during the past 3 years.

There were no complaints of official government pressure on independent news media; however, the President's office continued to influence state television news coverage significantly. In March opposition parties demanded that the President remove the Chief of State Television for allegedly slanting coverage of the investigation into the October 1999 attack on Parliament, but the President's office refused

to concur. The most widely available of the two state-owned television channels takes policy guidance from the Government; it presents mostly factual reporting but avoids editorial commentary or criticism of official actions. During elections the coverage of political parties on state television and other media generally was balanced and largely neutral. Singlemandate candidates were not entitled to free programming, but there were no restrictions on paid time. In Yerevan and major regional media markets, private television stations now offer independent news coverage of good technical quality. Most radio stations are private. Opposition parties and politicians receive adequate news coverage and access on these channels. Legislation has not been passed yet to regulate the current arbitrary and nontransparent process of license issuance.

Draft broadcast and media laws, the subject of intensive discussion among journalists, were revised extensively, and the draft of a new media law passed in Parliament in October was later signed by the President with reservations. While the new media law meets many previously expressed demands by media and human rights groups about assuring freedom of the media, it still contains loopholes that could be used to impose greater control of the media by government bodies. In response to media and the human rights group's concerns about these areas, the President announced that he would submit those chapters of the law to the Constitutional Court so that the possible loopholes could be closed. One new measure announced in October 1998, a 25-fold increase in licensing fees for television broadcasters, was expected to have a serious effect on struggling private stations; at the time of this announcement, these stations appealed for the measure's cancellation. After the President's intervention, the overall increase in licensing fees was significantly lowered to five-fold. The few international newspapers and imported magazines are not censored. There are no restrictions on reception of satellite television and other foreign media, and this material is not censored.

The Government partially respects academic freedom. There are more than 80 private institutions of higher education. The curriculum committee of the Ministry of Education must approve the curriculum of all schools that grant degrees recognized by the State, seriously limiting the freedom of individual schools and teachers in their choice of textbooks and course material; according to the Ministry, only 15 schools have applied for such licensing.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice.

The Constitution provides for freedom of association, and the Government generally respects this right in practice; however, there are some important exceptions. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time-consuming, and some human rights or political organizations have been compelled by the Government to revise their bylaws several times in order to have their registrations accepted. No human rights or political organizations reported problems with registration during the year. During the period of political turmoil after the October 1999 shootings, several opposition groups held antigovernment demonstrations without government intervention. During the July demonstrations by parents of killed or injured military recruits (see Section 1.c.), three demonstrators were detained for allegedly assaulting a security officer, but were released in a few hours.

On October 30, Arkady Vardanyan, a Moscow-based Armenian businessman who is a Russian citizen, led a demonstration in Yerevan of approximately 10,000 persons calling for the removal of the Government. Some of these persons subsequently marched to the President's office. Prior to the demonstration, Vardanyan was detained at his home, taken for questioning, and later released. Vardanyan's family and lawyers charged that security forces forced their way into the house and ransacked it. After the demonstration, the house again was searched by security forces and Vardanyan was taken into custody and sentenced to 11 days detention on the charge that he had a permit for a demonstration but not a march (see Section 1.d.).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the law specifies some restrictions on the religious freedom of adherents of faiths other than the Armenian Apostolic Church, which has formal legal status as the national church.

The 1991 Law on Freedom of Conscience, which was amended in 1997, establishes the separation of church and state, but grants the Armenian Apostolic Church special status. The law forbids "proselytizing" (undefined in the law) except by the Armenian Apostolic Church and requires all religious denominations and organizations to register with the State Council on Religious Affairs. Petitioning organizations must "be free from materialism and of a purely spiritual nature," and must subscribe to a doctrine based on "historically recognized holy scriptures."

A Presidential decree issued in 1993 supplemented the 1991 law and strengthened the position of the Armenian Apostolic Church. The decree enjoins the Council on Religious Affairs to investigate the activities of the representatives of registered religious organizations and to ban missionaries who engage in activities contrary to their status. The Council on Religious Affairs took no action against missionaries during the year, and even members of Jehovah's Witnesses, which are not registered, were allowed to engage fairly openly in missionary activity.

In 1996 Parliament passed legislation tightening registration requirements by raising the minimum number of members required for registration from 50 to 200 adults. The law banned foreign funding for churches whose centers are outside the country. The 1996 legislation also mandated that religious organizations, except the Armenian Apostolic Church, need prior permission from the State Council on Religious Affairs to engage in religious activities in public places, travel abroad, or to invite foreign guests to the country. Despite these mandated restrictions, in practice there is no restriction on travel by the religious personnel of any denomination, including those that are unregistered. Members of unregistered minority religious organizations are allowed to bring in small quantities of religious literature for their own use, but large shipments by unregistered groups are prohibited.

One group of Russian "old believers" and some congregations of Yezidis remain unregistered, according to the State Council on Religions, because they do not wish to register; these groups have not complained of religious discrimination.

As of year's end, registered religious groups had reported no adverse consequences from the 1996 law. The ban on foreign funding has not been enforced and is considered unenforceable by the Council on Religious Affairs. The Council has such limited resources that it has not performed any acts except the annual reregistering of religious groups. No registered religious group was denied reregistration under the amended law. All existing registered denominations have been reregistered annually except the Hare Krishnas, whose members by 1998 had dropped below even the previous membership threshold of 50.

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

Forty-one members of Jehovah's Witnesses remained in detention, charged with draft evasion or, if forcibly drafted, with desertion. A regional Jehovah's Witnesses official said that this higher number was because Jehovah's Witnesses receiving draft notices now are reporting directly to police and turning themselves in as draft evaders, rather than being inducted and then claiming conscientious objector status. Around 41 members of Jehovah's Witnesses reportedly were in hiding from the draft. Alternative nonmilitary service is not available under current law to members of Jehovah's Witnesses. The President's office stated in March 1999 that a law was being drafted that would regulate alternative service for Jehovah's Witnesses and other conscientious objectors, but no action has been taken by year's end.

According to the law, a religious organization that has been refused registration may not publish newspapers or magazines, rent meeting places on government property, broadcast programs on television or radio, or officially sponsor the visas of visitors. Members of Jehovah's Witnesses continue to experience difficulty renting meeting places and report that private individuals who are willing to rent them facilities frequently are visited by police and warned not to do so. Lack of official visa sponsorship means that visitors of Jehovah's Witnesses must pay for a tourist visa. When shipped in bulk, publications of Jehovah's Witnesses are seized at the border. Although members supposedly are allowed to bring in small quantities of printed materials for their own use, officials of Jehovah's Witnesses reported that mail from one congregation to another, which they said was meant for internal purposes rather than for proselytizing, still was confiscated by overzealous customs officials. Despite these legal obstacles, members of Jehovah's Witnesses continue their missionary work fairly visibly and reported a gain in membership during 1999.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government places restrictions on some of these rights. The Constitution and laws require that passports be issued to all citizens except convicted felons; however, in cases of permanent residents who wish to relocate abroad permanently, an exit stamp may be denied to

those persons who possess state secrets, to those subject to military service, to those who are involved in pending court cases, and to those whose relatives have lodged financial claims against them. The exit stamp is valid for up to 5 years and can be used as many times as an individual chooses to travel. Men of military age must overcome substantial bureaucratic obstacles to international travel. The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely. They must negotiate with a corrupt and inefficient bureaucracy to register these changes, but this practice is now more of a nuisance than an impediment. In addition, registration of a residence is a difficult process, particularly for those who live in a rented dwelling.

Since the Nagorno-Karabakh conflict erupted between Armenia and Azerbaijan in 1988, ethnic minorities on both sides have been subject frequently to discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all the ethnic Azeris living in Armenia at the time, some 185,000 persons, fled to Azerbaijan. Of the 400,000 ethnic Armenians then living in Azerbaijan, 330,000 fled and gained refugee status in Armenia and Nagorno-Karabakh.

The National Assembly passed a law on citizenship in 1996 that provides for refugees of Armenian ethnicity to gain citizenship, provided that they are stateless and have resided in the country for the past 3 years. In 1998 the Government implemented regulations for the law and began new efforts to encourage refugees to accept Armenian citizenship. Although around 25,000 have done so, most are reluctant to become citizens, fearing the loss of free housing, military service exemptions, and other benefits accorded refugees.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting ethnic Armenian refugees.

The refugee law has no provisions in the law for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government respects the right of first asylum in principle, but in the absence of a law specifying procedures for formal recognition of political asylum, the small number of Sudanese and other migrants not of Armenian ethnicity only rarely can obtain residence permits, and their legal status remains unclear.

Border officials have no training on asylum issues. In some cases, persons denied permission for legal residence are subjected to fines for illegal residence when they attempt to depart 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

Serious flaws in the 1998 presidential election continued to restrict the constitutional ability of citizens to change their government peacefully. Serious breaches of the election law and numerous irregularities in the 1995 parliamentary elections, and the 1996 and 1998 presidential elections, resulted in a lack of public confidence in the integrity of the overall election process.

In both rounds of the 1998 presidential elections, OSCE observers witnessed very substantial irregularities and concluded that the elections seriously challenged international democratic norms in regard to most key criteria. There were unusually high voter turnouts in certain areas, particularly in the second round, and these increases corresponded directly to high vote percentages for then Acting President Kocharian. Based on detailed analysis of the results tracked by observer reports in certain districts, it appears that ballot box stuffing, discrepancies in vote counts, a large number of unauthorized persons in polling stations, and other fraud perpetrated by local power structures inflated the number of votes for Kocharian by well over 100,000 votes in the second round, which he won by approximately 290,000 votes. Some military units were compelled to vote without exception for Kocharian, and officials used pressure to encourage a large turnout for the "official" candidate. Voters enjoyed a full spectrum of choices among candidates; all presidential candidates were provided opportunities to present themselves to the electorate through the provision of free and paid access to state media. However, state television provided coverage biased heavily in favor of the acting president. The electoral process fell far short of the authorities' commitments to their citizens. There were no legal consequences for electoral fraud. The Government pursued only minor violations, and no penalties were announced. There was no criminal investigation of the amply documented ballot box stuffing.

The 1999 parliamentary and municipal elections and several by-elections during the year represented a step toward compliance with OSCE commitments, but failed to meet international standards fully. For example, the May 1999 parliamentary

elections showed continued improvement toward compliance with OSCE commitments, but still failed to meet international standards. Nonetheless, during the election observers from the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) categorized the 1999 Parliamentary elections as a relevant step towards compliance with OSCE commitments and noted improvements in the electoral framework and the political environment of association, freedom of assembly, and freedom of expression were respected during the campaign. The May 1999 elections took place under a new electoral code that represented an improvement compared with previous legislation and incorporated some recommendations of international organizations. For example, the code provides for the accreditation of domestic nonpartisan observers. It abolishes one level of election bureaucracy (the community election commissions), and provides for the courts to address electoral complaints during the campaign rather than after results are announced. However, the authorities never submitted the draft code to ODIHR for comments prior to its adoption as had been promised.

Despite the provisions of the new code, election administration was uneven on election day. In many precincts, election officials, candidates' proxies, and domestic observers worked together to provide transparent voting and counting procedures. The areas of most concern witnessed by OSCE/ODIHR observers included the poor quality of the voter lists, which were often outdated or inaccurate, mistakes in registration and voting by military personnel, problems in the formation of the election commissions and the status of their members, and the presence of unauthorized personnel in precincts during voting and counting procedures. Thousands of voters had to appeal to local courts on election day in order to cast their votes, after finding that their names had been left off local voter lists. Opposition parties such as the National Democratic Union, the Self Determination Union, the Communist Party, Hayrenik, and Azatutuyun criticized the exclusion of numerous residents from the lists. The Central Election Commission blamed the omissions on the negligence of some civil servants. Twelve criminal cases related to parliamentary election fraud, involving 16 persons, currently are under investigation by the Prosecutor General's office.

In a July 1999 by-election in Yerevan's Achapniak district, violence erupted when armed supporters of one of the candidates beat and opened fire on supporters of another candidate. The Central Elections Commission suspended this vote and declared it invalid. A criminal investigation was started, resulting in the arrest of 12 persons; the police still are seeking 10 more persons allegedly involved in the Achapniak violence. According to the Prosecutor General's office 12 persons eventually went to prison for the Achapianak disturbances. Of those, 8 were sentenced to 2 years each, while the remaining 4 got probationary terms of 16 to 20 months and were released on probation. The Achapniak by-election subsequently was held again with the two candidates involved in the altercation taken off the ballot and took place without incident.

In the October 1999 municipal elections, the three major problems were: The politicization of election commissions, obsolete or incorrect voter lists, and the use of old seals (the election law mandates that new ones be provided by regional election commissions for each election, as a check on ballot box stuffing), presumably because the funds were lacking to buy new seals.

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

In Goris where the incumbent mayor had been removed by the provincial governor in June for alleged impropriety in the conduct of his office, the ousted incumbent, who lost the July election, claimed that there were significant irregularities, including ballot-box stuffing. The incumbent appealed the results; however, the appeal was denied in December.

The Government has confirmed that a national census, previously suspended for budgetary reasons, is expected to take place in 2001. There is to be a test census in three regions in early 2001. This has raised political concerns about the integrity of the process that is to create new electoral districts, since existing voter rolls and other population records are outdated and seriously flawed throughout the country.

Under the Constitution, the President appoints the Prime Minister and plays a role in the final selection of qualified candidates for judgeships. The Constitution provides for independent legislative and judicial branches, but in practice these branches are not insulated from political pressure from the executive branch.

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

The National Assembly consists of 131 deputies; 56 are elected on a proportional basis and 75 on a district-by-district majoritarian basis. Regular sessions are held twice a year: the first from mid-September to mid-December, and the second from early February until mid-June. Given the press of legislative business connected with the total reform of the legal system, special sessions frequently are called, but may not last more than 6 days.

There are no legal restrictions on the participation of women and minorities in government and politics; however, due to traditional social attitudes, both groups are underrepresented in all branches of government. There are no female cabinet ministers, although there are several female deputy ministers. Only 4 of the 131 deputies in the Parliament are women. There are no minority representatives in the Cabinet or in the Parliament.

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

There are several human rights NGO's organizations that are active and operate openly, criticize abuses publicly, and publish their findings on government human rights violations. In general public access to information on human rights cases usually is adequate, with extensive media coverage of significant court cases, but there was less openness after the October 1999 shootings by civilian and military prosecutors. However, nongovernmental human rights organizations often report funding difficulties, and at least one, the well-respected Helsinki Association, had to close its offices for part of the year due to lack of funds. The Helsinki Committee continued to operate and did receive permission to have access to detention facilities, and has made several visits.

As part of the commitments it made in advance of joining the Council of Europe (COE), the Government permitted monitoring of its human rights practices by the COE and reaffirmed this right for the ICRC, which retains full access to civilian detention facilities.

An office created by the prosecutor general in July 1997 to communicate with international observers was responsive to requests for information, although information about criminal cases stemming from elections remained relatively general and incomplete.

Current electoral law allows local and international observer organizations to monitor all elections, and such organizations reported no impediments to being allowed to observe the 1999 elections and this year's by-elections.

In 1998 President Kocharian appointed a prominent opposition politician to head a new human rights commission headed by Paruyr Hairikyan within the President's office. The commission exists essentially as a reference bureau and has no formal legal powers; however, it has had a modest impact in getting authorities to review official actions on issues ranging from apartment allocations to police behavior, in some cases winning official reconsideration. It refers such cases to the appropriate agency, but it does not follow up on specific issues. During the year, the commission visited those accused in the October 1999 killings, visited the Gyumri jail, and frequently visited military units to hear human rights complaints by soldiers. The Parliamentary Commission on National Security, Defense, and Interior, headed by Vahan Hovhanissian, has taken on a greater role this year by making regular visits to military units to hear complaints by soldiers as well.

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

The Constitution prohibits discrimination based on race, gender, religion, disability, language, or social status; however, cultural and economic factors prevent women, ethnic and religious minorities, and persons with disabilities, from participating fully in public life. The religion law discriminates against some religious groups.

Women.—There is no specific law banning violence against women, and few cases of rape, spousal abuse, or other violence against women were reported; however, their number likely is higher than the statistics indicate. Domestic violence cases usually are not reported to the police, and women are not protected from it. Several nongovernmental organizations exist in the Yerevan and Gyumri areas, which provide shelter and assistance to battered women.

During the year, the Prosecutor's Office registered 15 cases of rape. The law (the old Soviet Criminal Code) cites specific punishments for rape, forced abortion, forbidding a woman from marrying, and discrimination in hiring due to pregnancy.

Prostitution is not illegal, and according to anecdotal evidence, most prostitutes stopped by police for street-walking, simply are sent to a hospital or physician for a medical check-up. Although, the Criminal Code does not forbid prostitution itself, keeping brothels is prohibited. According to an investigation conducted by journalists, more than 1,600 prostitutes were registered by the police, around 800 in the Yerevan area. A study of Yerevan prostitution done by an international NGO showed that while some operate by telephone, the vast majority are what is known as streetwalkers, with their "class" and desirability defined by the area of the city in which they operate.

An international NGO reports that the problem of battered wives is much more widespread than the Government or local human rights groups will admit. Domestic violence cases usually are not reported to the police, and women are not protected from it. Many cases are not reported to police in some cases because women are afraid of physical harm if they do so, afraid that police will refuse to take action and instead return them to their husbands, and in others because they are embarrassed to make "family matters" public. Several NGOs in the Yerevan and Gyumri areas provide shelter and assistance to battered women; however, embarrassment and concerns for family honor make the problem particularly sensitive and difficult to quantify. Even women's groups and health professionals decline to offer specific figures, but do not indicate that such violence is especially common. At least four cases were reported in the press of women who died as a result of domestic violence. During the year, 13 persons were prosecuted for attempted rape.

In view of the phenomenon of Armenian women working as prostitutes in Russia and the Middle East, it is likely that trafficking in women and girls (particularly from the country) is more of a problem than the Government and women's organizations have recognized openly. Twenty-six cases of trafficking in women or procuring are now in the courts (see Section 6.f.).

Police authorities announced in 1999 that there were numerous cases of organized procuring under investigation, but since the main initiators lived abroad, mostly in the Middle East, police were unable to arrest them.

Males often play a dominant role in many societal institutions. Although women have been present in the work force for several generations, tolerance for broadening gender roles and for any gender behavior is low especially in the regions. In the workplace, women receive equal pay for equal work, but generally are not afforded the same professional opportunities given to men and often are relegated to more menial or low-skill jobs. The 1972 Law on Employment prohibits discrimination in employment, but the extremely high unemployment rate makes it difficult to gauge how effectively the law has been implemented to prevent discrimination. Formerly, labor unions protected women's rights, in the workplace at least nominally, but the weakness of unions has rendered them less effective in this role (see Section 6.a.). According to official statistics, women make up 63.8 percent of those officially registered as unemployed (approximately 181,000). Currently there are more women receiving university and postgraduate education than men. This may in part be accounted for by the Nagorno-Karabakh situation, which necessitates a high number of males in military service, and in part by the economic situation, which has caused males to emigrate in search of employment.

Children.—The Government does not have the economic means to provide fully for the welfare of children. Education is free, universal, and compulsory through age 14, then optional through age 16 (complete secondary education). However, many facilities are impoverished and in poor condition, and teachers are forced to tutor pupils privately to supplement salaries that are low and irregularly paid. Some teachers are known to demand bribes from parents in return for good or passing grades for their children. Free children's health care is available for all children through the age of 8 for treatment of some diseases and for emergency cases, but is often of poor quality, with an increasing trend toward overt or concealed payment of fees for service.

Girls and boys receive equal educational opportunities. The Government focuses its efforts regarding children's rights and welfare on measures to insulate large families—those with four or more children—from the effects of the country's current difficult circumstances. The Government similarly directs foreign humanitarian aid programs toward most socially vulnerable families and single parent families. Despite social programs, the problem of street children remains significant. However, the family tradition is strong, and child abuse does not appear to be a serious problem. Trafficking in girls is a problem (see Sections 6.c. and 6.f.).

People with Disabilities.—The Constitution provides for the right to social security in the event of disability. The 1993 Law on Invalids provides for the social, political, and individual rights of the disabled, but does not mandate the provision of accessibility for the disabled. During the year, expenditures for the health sector increased to \$3.2 million (1.7 billion drams) from the projected level, which affected persons with disabilities, who are supposed to be treated free. According to the former Minister of Social Security, the social sector budget was budgeted at \$2.8 million (1.57 million drams). In the current economic circumstances, and in an effort to meet international financial institution guidelines on reduction of the budget deficit, the Government has had difficulty fulfilling its commitments in this area.

The Government's enforcement of the rights of the disabled remains rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights. There is societal discrimination against the disabled. Hospitals, residential care, and other facilities for the seriously disabled do not meet international norms. There were unsubstantiated reports that security authorities used confinement in mental institutions as an alternative form of detention (see Sections 1.c. and 1.d.).

Religious Minorities.—There was no reported violence against minority religious groups. However, newer religious groups are viewed with suspicion, especially by some mid-level clergy in the Armenian Apostolic Church and their supporters in the bureaucracy.

In April Jehovah's Witnesses returning from a religious service in Yerevan reported being verbally and physically abused by local thugs while police watched but did not intervene. In August the mayor and town council published a decree expelling two members of Jehovah's Witnesses from the town of Talin, near Yerevan, for alleged "agitation."

As a result of the Nagorno-Karabakh conflict with Azerbaijan, anti-Muslim feeling persists among the populace, and the few remaining Muslims keep a low profile. There is only one mosque open for prayers.

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

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the 1992 Law on Language provides linguistic minorities with the right to publish and study in their native language. There are token publications in minority languages, but the Government has devoted minimal resources to maintaining minority language schools. The large network of Russian-language schools has diminished significantly in recent years. In practice virtually all students, including members of the Yezidi and Greek communities, now attend Armenian-language schools, with very limited classes available in their native tongues. In the Yezidi community, a high percentage of pupils do not attend school, partly for family economic reasons and partly because of discrimination from ethnic Armenian students and teachers.

Yezidi leaders continued to complain that police and local authorities subject their community to discrimination. The Yezidis, whose number is estimated at 54,000 by Yezidi leaders, speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and Animism. They cite numerous incidents of unfair adjudication of land, water, and grazing disputes, nonreceipt of privatized agricultural land, an unusually high number of beatings of Yezidi conscripts in the army (see Section 1.c.), and lack of police response to even serious crimes committed against Yezidis. The Yezidi complaints likely reflect societal discrimination as well as the more general problem of poorly functioning local Government bodies.

In March the country's first Congress of National Minorities since 1991 was held. At the conference human rights did not appear to be a major concern. Yezidis and Ukrainians complained of unfair treatment in regard to forced military service. Most representatives demanded more government aid for native-language newspapers and for broadcasting minority directed programs on television.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides employees with the right to form and join trade unions and the right to strike. The Constitution stipulates

that the right to form associations—including political parties and trade unions—may be limited with respect to persons serving in the armed services and law enforcement agencies. A 1993 Presidential decree prohibits the Government and other employers from retaliating against strikers and labor leaders, but workers have little confidence in this protection. In practice labor organization remains weak due to high unemployment and the weak economy. Workers have neither the financial resources to maintain a strike nor enforceable legal protection against retaliation, and existing unions play a relatively passive role. However, there were no reports of retaliation against strikers or labor leaders. The purportedly Independent Labor Federation created in December 1997 took no action during the year.

The absence of active unions and of accurate employment data precludes a reliable estimate of the percentage of the workforce that is unionized.

Unions are free to affiliate with international organizations; however, none have done so to date.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is not practiced. The Constitution provides all citizens with the right to a just wage no lower than the minimum set by the Government. Although the 1992 Law on Employment provides for the right to organize and bargain collectively, voluntary and direct negotiations do not take place between unions and employers without the participation of the Government, because most large employers remain under state control. The near collapse of major industrial production has undercut the organization of labor unions.

The Government encourages profitable factories to establish their own pay scales. Factory directorates generally set the pay scales without consultation with employees. The Arbitration Commission adjudicates wage and other labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the 1992 Law on Employment prohibit forced and bonded labor, including that by children, and it generally is not known to occur; however, trafficking in women and girls is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the 1992 Law on Employment, 16 years is the minimum age for employment. Children may work from the age of 14 with the permission of a medical commission and the relevant labor union board.

The Law on Employment is enforced by local community councils, unemployment offices, and, as a final board of appeal, the arbitration commission. Children under the age of 18 are not allowed to work in difficult or dangerous jobs, night labor, or jobs that require over 6 hours of work per day, although waivers in the latter two cases can be applied for by children 16 years or over.

According to the Ministry of Social Welfare some children are involved in family businesses, as well as some other business activities, up to the age of 12 years, in sectors like agriculture where it is not forbidden by law. Children are forbidden specifically from engaging in arduous or dangerous employment, even if it is their families business without permission by the Ministry of Social Welfare which is granted only on a case by case basis. Forced or bonded labor by children is prohibited, and it generally is not known to occur; however, trafficking in girls is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Government sets the minimum wage by decree. In October 1998, Parliament quintupled the national minimum wage to less than \$10 (5,000 drams) per month; however, the minimum wage is insufficient to provide a decent standard of living for a worker and family. The majority of the population lives below the officially recognized poverty line as a result of economic dislocations caused by the breakup of the Soviet Union, the 1988 earthquake, the conflict in Nagorno-Karabakh, the resulting blockade by Azerbaijan and Turkey, and disruptions in trade. However, a significant amount of economic activity takes place unrecorded and untaxed by local authorities. The extent to which this improves the overall economic situation is unknown.

The majority of industrial enterprises are either idle or operating at a fraction of their capacity. Some furloughed workers still are receiving minimal partial compensation from their enterprises, but most are no longer receiving any payment if they are not working. The standard legal workweek is 40 hours; many persons work multiple jobs.

The Constitution provides citizens with the right to clean and safe work places, but Soviet-era occupational and safety standards remain in force. Labor legislation from 1988 places responsibility on the employer and the management of each firm to ensure “healthy and normal” labor conditions for employees, but it provides no definition of healthy and normal. The employment situation is such that workers

are reluctant to complain or remove themselves from hazardous working conditions due to the risk of losing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons specifically, although it does prohibit exploitation by force of persons for financial gain, and trafficking in women and girls from the country is a problem. However, specific information on trafficking is difficult to obtain and there is little information about trafficking within the country. The Criminal Code specifically prohibits the keeping of what generally are considered to be brothels. Prostitution itself is legal. Armenian women work as prostitutes in the Middle East and Russia, and in the past there have been reports of trafficking in women and girls to these countries. It is likely that trafficking in women and girls is more of a problem than the Government and women's organizations have recognized openly. According to international NGO's, the Government appears to be focusing more on prostitution within the country than on trafficking. There were reports that older girls in local orphanages were approached with offers to engage in prostitution, either locally or abroad. Police officials announced the investigation of numerous cases of procuring but said that they were unable to arrest the main offenders because they resided in the Middle East rather than in Armenia (see Section 5). Cases of trafficking in women currently in court are being prosecuted under the Criminal Code prohibition on brothels.

AUSTRIA

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

The police are subordinated to the executive and judicial authorities. The national police maintain internal security. The army is responsible for external security. The police are generally well trained and disciplined, although some members of the police were responsible for instances of human rights abuses.

The country's highly developed, market-based economy, with its mix of technologically advanced industry, modern agriculture, and tourism, affords its citizens a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were some reports of abuse by police, which involved occasional beatings but mainly involved verbal abuse and threats. Inclusion of the FPÖ in the Government was met with widespread, generally peaceful protests in Vienna and other large cities throughout the country. Many human rights organizations and minorities feared that the country's general climate of tolerance and respect for ethnic and religious diversity would worsen. This resulted in a sharp increase in attention to and scrutiny of the country's human rights situation by foreign governments, the Council of Europe, other European Union (EU) member states, and nongovernmental organizations (NGO's). A number of reports published by such observers expressed concern about ambiguous racist and/or xenophobic comments of senior FPÖ leaders, which it was feared would legitimize intolerance aimed at minority groups. In September a group of 3 human rights experts selected by the President of the European Court of Human Rights, as accepted by the other 14 members of the EU, released a report on the situation of minorities, refugees, and immigrants in the country, which concluded that appropriate legal protection was available for these groups. The new Government passed a comprehensive prominority rights bill providing expanded constitutional protections for the six officially recognized minorities. Violence against women is a problem, which the Government is taking steps to address. Trafficking in women for prostitution remains a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings.

In May two drug-related deaths of foreign-born suspects while in pretrial custody temporarily revived a debate about police brutality. On May 3, a 26-year-old Nigerian asylum applicant, Richard Ibekwe, also known as Peter Weah Richard, died while in pretrial detention for suspected drug offenses. Witnesses reported that police officers beat Ibekwe in the course of his arrest 2 weeks prior to his death. On

May 5, a 40-year-old Slovakian also died while in police custody. Official autopsies confirmed that both men died of drug overdoses. Due to allegations of police brutality, an internal investigation into Ibekwe's death was begun. The results were still pending at year's end.

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

In March 1999, Franz Fuchs was convicted for killing 4 Roma in 1995 and injuring 15 other persons in a letter bomb campaign conducted between 1993 and 1997 (see Section 5).

A French appeals court is considering an Austrian government request for the extradition of the terrorist Illich Ramirez Sanchez (alias "Carlos the Jackal"). Austria formally has sought the extradition of "Carlos" since French authorities captured him in 1994. He is wanted on charges of manslaughter, kidnaping, and blackmail in connection with the terrorist attacks at Vienna's Organization of Petroleum Exporting Countries (OPEC) headquarters in December 1975.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the Constitution prohibits such practices, government statistics for 1999 showed 365 complaints against federal police officials for "unjustified use of force," compared with 356 in 1998. Of the 365 complaints, 292 resulted in investigations, compared with 288 in 1998. Four officers were convicted of excessive use of force in 1999; one officer was convicted in 1998. Types of abuse ranged from slander to kicking and hitting, resulting mainly in bruising. Some of the violence appeared to be racially motivated. An Interior Ministry survey on the "ethics of police conduct" among policemen revealed that half of the 2,000 policemen interviewed stated that they would not report their colleagues in cases of misconduct.

In January two U.S. citizens involved in a dispute with a Viennese nightclub alleged mistreatment by the police. Injuries included wrist nerve damage and slight bruising. One of the men is HIV positive and was denied access to his medication during his approximately 12-hour incarceration. The two alleged that such mistreatment was directed against them because of their homosexuality and nationality. Investigation into this case was suspended by the public prosecutor's office due to lack of evidence. In a separate case, a drug suspect who was allegedly beaten during arrest later died in custody (see Section 1.a.).

In May 1999, an unsuccessful Nigerian asylum applicant died while being deported; his hands and feet were cuffed and his mouth was taped shut to control his violent behavior. Two of the three police officers who accompanied him were suspended, and a committee was created with the goal of ensuring that the police and gendarmerie respect human rights while carrying out their duties (see Section 2.d.).

Prison conditions meet minimum international standards, and the Government permits prison visits by human rights monitors. In individual cases, investigating judges or prison directors have jurisdiction over questions of access to the defendant.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government respects this prohibition.

In criminal cases the law provides for investigative or pretrial detention for up to 48 hours; however, in cases of charges of "aggressive behavior," an investigative judge may decide within that period to grant a prosecution request for detention of up to 2 years pending completion of an investigation. The grounds required for such investigative detention are specified in the law, as are conditions for bail. The investigative judge is required to evaluate an investigative detention after 2 weeks, 1 month, and every 2 months after the arrest.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The Constitution provides that judges are independent in the exercise of their judicial office. Judges cannot be removed from office or transferred against their will. There are local, regional, and regional higher courts, as well as the Supreme Court as the court of highest instance. The system of judicial review provides for extensive possibilities for appeal. Trials have to be public, and have to be conducted orally. Persons charged with criminal offenses are to be considered innocent until proven guilty. While the Supreme Court is the court of highest instance for the judiciary, the Administrative Court acts as the supervisory body over the administrative branch, and the Constitutional Court presides over constitutional issues.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of the press, and the Government generally respects this right in practice; however, stringent slander laws tend to discourage reports of police brutality, and foreign observers—including the European Court of Human Rights—have concluded that the use of libel procedures to protect politicians may hamper freedom of speech and the press. A conviction for libel by a criminal court cannot be appealed to the Constitutional Court. In most cases, judgments are handed down by a court of appeals, which does not rely on case law. Several FPO politicians have been accused of paying police officers to obtain confidential information in order to discredit opponents of the FPO. An investigation is underway under the auspices of an independent committee. A number of officers have been suspended pending the completion of the investigation. Since 1986 Joerg Haider, the former FPO leader and current governor of Carinthia, has engaged in over 350 libel suits against media outlets and individuals. Following the negative reaction to the FPO's inclusion in the Government, Haider called for the prosecution of deputies critical of the Government under a provision of the Criminal Code. Justice Minister Dieter Boehmdorfer (FPO) received extensive criticism for his initial support for this measure. Publications may be removed from circulation if they violate legal provisions concerning morality or public security, but such cases are extremely rare.

The Government monopoly in national radio has been dismantled. A 1993 law permitted licensing of regional private radio stations. There are currently 36 commercial and 9 community radio stations. By the end of 1999, 75.2 percent of citizens listened to state-run radio stations, and 17 percent listened to private stations. While a law establishing terrestrial frequencies for private television stations is expected to be passed in 2001, the Austrian Broadcasting Corporation (ORF) currently retains its monopoly on terrestrial television broadcasts.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, except for Nazi organizations and activities (an exception stipulated also in the Austrian State Treaty of 1955). The Law on the Formation of Associations states that permission to form an organization may be denied if it is apparent that the organization would pursue the illegal activities of a prohibited organization.

c. Freedom of Religion.—The Constitution provides for freedom of religion of individuals and the Government generally respects this right in practice. However, the status of religious organizations is governed by the 1874 “Law on Recognition” of churches and by a January 1998 law establishing the status of “confessional communities.” Religious recognition under the 1874 law has wide-ranging implications; for example, the authority to participate in the state-collected religious taxation program; to engage in religious education; and to import religious workers to act as ministers, missionaries, or teachers. Although in the past nonrecognized religious groups have had problems obtaining resident permits for foreign religious workers, administrative procedures adopted in 1997 have addressed this problem in part. Officially, 75.3 percent of the population are Roman Catholic, and there are 11 other recognized religious organizations.

Religious organizations may be divided into three different legal categories (listed in descending order of status): Officially recognized religious societies, religious confessional communities, and associations.

Under the law, religious societies have “public corporation” status. This status permits religious societies to engage in a number of public or quasi-public activities that are denied to other religious organizations. The Constitution singles out religious societies for special recognition. State subsidies for religious teachers, at both public and private schools, constitute one of the benefits provided to religious societies that is not granted to other religious organizations.

Previously some nonrecognized religious groups were able to organize as legal entities or associations, although this route has not been available universally. Some groups even have done so while applying for recognition as religious communities under the 1874 law. Many such applications for recognition were not handled expeditiously by the Ministry of Education and Culture; in some cases, years passed before a decision was made. Following years of bureaucratic delay and an administrative court order instructing the Education Ministry to render a decision, in 1997 the Ministry denied the request for recognition of Jehovah's Witnesses. Jehovah's Witnesses appealed this decision to the Constitutional Court.

In January 1998, a law went into effect that allows nonrecognized religious groups to seek official status as confessional communities without the fiscal and educational privileges available to recognized religions. Religious confessional communities, once they are recognized officially as such by the Government, have juridical standing, which permits them to engage in such activities as purchasing real estate in their own names and contracting for goods and services. To apply groups must have 300 members and submit to the Government their written statutes, describing the goals, rights, and obligations of members, membership regulations, officials, and financing. Groups also must submit a written version of their religious doctrine, which must differ from that of any existing religion recognized under the 1874 law or registered under the new law, for a determination that their basic beliefs do not violate public security, public order, health and morals, or the rights and freedoms of citizens. A religious organization that seeks to obtain this new status is subject to a 6-month waiting period from the time of application to the Ministry of Education and Culture. The new law also sets out additional criteria for eventual recognition according to the 1874 law, such as a 20-year observation period (at least 10 of which must be as a group organized as a confessional community under the new law) and membership equaling at least two one-thousandths of the country's population. Many religious groups and independent congregations do not meet the 300-member threshold for registration under the new law. Only Jehovah's Witnesses currently meet the higher membership requirement for recognition under the 1874 law.

In a decision issued in March 1998, the Constitutional Court voided the Education Ministry's decision on Jehovah's Witnesses and ordered a new decision based on the January law on the Status of Confessional Communities. In July 1998, Jehovah's Witnesses received the status of a confessional community. According to the 1998 law, the group is now subject to a 10-year observation period before they are eligible for recognition.

The nine religious groups that have constituted themselves as confessional communities according to the 1998 law are: Jehovah's Witnesses, the Baha'i Faith, the Baptists, the Evangelical Alliance, the Movement for Religious Renewal, the Pentecostals, the Seventh-Day Adventists, the Coptic Orthodox Church, and the Hindu religious community. After initially filing for confessional community status, the Church of Scientology withdrew its application from consideration. The Ministry rejected the application of the Sahaja Yoga group; in 1998 the group appealed the decision to the Constitutional Court. A decision was still pending on this case at year's end. Proponents of the law describe it as an opportunity for religious groups to become officially registered as religious organizations, providing them with a government "quality seal." However, numerous religious groups not recognized by the State, as well as some religious law experts dismiss the purported benefits of obtaining status under the law and have complained that the law's additional criteria for recognition under the 1874 law obstruct claims to recognition and formalize a second-class status for nonrecognized groups. Experts have questioned the law's constitutionality.

After the Education Ministry granted Jehovah's Witnesses the status of Confessional Community, the group immediately in 1998 requested that it be recognized as a religious group under the 1874 law. The Education Ministry denied the application, on the basis that, as a confessional community, Jehovah's Witnesses would need to submit to the required 10-year observation period. The group has appealed this decision to the Constitutional Court, arguing that a 10-year observation period is unconstitutional. A decision was still pending at year's end.

Also in 1998, Jehovah's Witnesses filed a complaint with the European Court for Human Rights, arguing that the group has not yet been granted full status as a religious entity under the 1874 law, despite having made numerous attempts for more than 2 decades. A decision was still pending at year's end.

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

The Government continued its information campaign against religious sects that it considered potentially harmful to the interests of individuals and society. In September 1999, the Ministry for Social Security and Generations issued a new edition of a controversial brochure that described numerous nonrecognized religious groups in negative terms, which many of the groups deemed offensive. This brochure includes information on Jehovah's Witnesses, despite its status as a confessional community. On April 6, the new Minister for Social Security and Generations, Elisabeth Sickl (FPO), announced plans to support the training of "specialists" among teachers

and youth leaders in order to sensitize them to the dangers posed by some nonrecognized religious groups to the young. She also pledged to include representatives from provincial governments in an interministerial working group to decide on measures to "protect citizens from the damaging influence of sects, cults, and esoteric movements." These statements were interpreted in some circles as evidence that the Freedom Party's participation in government may strengthen efforts to curb the role of nonrecognized religious groups. Sickl left office in October. Her successor has made no public statements on this issue. The federal office on sects continues to collect and distribute information on organizations considered sects. Under the law, this office has independent status, but its head is appointed and supervised by the Minister for Social Security and Generations.

In April 1999, the Conservative People's Party (OVP) convention formally accepted a decision made by the party's executive board in 1997 that party membership is incompatible with membership in a sect.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government does not restrict movement, including emigration. Citizens who leave the country have the right to return at any time.

The new coalition adopted the policy of the outgoing SPO-led cabinet that the Government needs to focus on integration prior to considering any new immigration. In June Economics Minister Martin Bartenstein (OVP) issued a decree liberalizing existing employment restrictions for certain groups of legal aliens, paving the way for their integration into the labor market. Also in June, the Constitutional Court rejected the current upper age limit of 14 for the visa category of family reunification as too restrictive. The Government did not decide on its response to this decision but is considering adopting the EU standard of age 16 as the cutoff for this category. In the first 6 months of the year, the number of illegal aliens seized by police was 20,606, an 18.4 percent increase over the same period in 1999.

The law includes provisions for granting refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government subscribes to the "safe country" concept, which requires asylum seekers who enter illegally to depart and seek refugee status from outside the country. In response to continuing criticism by the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, the Government passed an amendment to the 1991 asylum law in 1997 designed to bring some improvements to the "safe country" rule and the appellate procedure. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR and other humanitarian organizations generally approve of the 1997 asylum law, but there is still some dissatisfaction with its implementation. A January amendment to the 1997 asylum law, which authorizes the Ministry of Interior to draw up a "white list" of "safe third countries," drew sharp criticism from human rights and refugee advocacy groups. There is widespread opposition to this concept based on the fear that it compromises the principle of individual investigation of claims. This principle was upheld in a February 1999 ruling of the administrative court and again in a March 2000 ruling. In both cases the High Court reversed a denial of asylum made on the basis of the "safe third country" rule.

Making government care available to all needy asylum applicants until their claims are processed was a focal point of the year's agenda of the UNHCR regional office. In principle asylum applicants are entitled to federal assistance for food, shelter, and medical care. However, the Federal Care Provisions Act specifically states that there is no corresponding legal right for applicants. The result is that asylum applicants denied assistance have no legal recourse if denied these benefits. The Government grants assistance to only one-third of all asylum applicants who face financial hardship; one-third are forced to rely on charitable assistance, and the remaining applicants abandoned their applications and are believed to have left the country to apply for asylum elsewhere. Individuals found to be bona fide refugees by government authorities are not sent back to the countries from which they fled. Asylum seekers whose claims have been rejected by the Federal Asylum Office may appeal to the independent Federal Asylum Senate; the Administrative Court is the court of last instance.

Of the estimated 95,000 Bosnian refugees who arrived between April 1992 and July 1993, the Government provided temporary protected status (TPS), similar to first asylum, to 47,000, which made them eligible to receive government assistance without having to file asylum applications. Most of the other 48,000 refugees were deemed to have other means of support, either from families already present in Austria or from nongovernmental organizations (NGO's). The overwhelming number of all Bosnian refugees has been integrated into the labor market. They now hold "gastarbeiter" status, which means that their residency permit is evaluated each

year on the basis of the country's overall labor demand. Many of the refugees have chosen voluntarily to return to their homeland, a process that still continues. The Government's program of assistance for Bosnian war refugees in TPS expired on July 31. As of that date, approximately 300 Bosnian refugees formerly in TPS remained in the country and are now being supported by the social welfare system.

During the Kosovo crisis, Austria accepted an estimated 10,000 to 15,000 refugees. A total of 5,080 Kosovar Albanians were evacuated directly from Macedonia and admitted to Austria under cover of TPS. Also, the immigration law was modified to allow Kosovar Albanians already in the country in a variety of statuses to extend their stay. In December approximately 1,593 Kosovar Albanians of the total of 5,080 refugees under TPS remained in the country. They receive public assistance under a care program similar to the one set up during the Bosnian crisis. The Interior Ministry has agreed to extend the July 2000 deadline for the repatriation of approximately 1,200 Kosovar refugees in three categories: 1) those needing protection, 2) those supported financially by relatives residing legally in Austria, and 3) Kosovars who earlier were granted temporary protected status or asylum and already were integrated into the labor market. The Government has said that the 226 Kosovars in need of protection would be permitted to stay in the country for at least another year, whereas the other two categories are to be granted humanitarian residence status temporarily until new immigration quotas become formally available in 2001.

Preliminary figures for asylum applications during the year indicate a decrease by almost 10 percent from 1999 figures to 18,290. In 1999 there were 20,096 asylum applications, a significant increase over the 1998 total of 13,805. In 1999 3,434 applications were accepted and 3,573 were denied, compared with 500 approvals and 3,491 denials in 1998. The 1999 approval figure includes asylum seekers from the Federal Republic of Yugoslavia (2,953), Afghanistan (108), Iran (99), Iraq (80), and the Democratic Republic of the Congo (26). The record 1999 approval rate of 49 percent (compared with 11.5 percent in 1998) is attributed to the Kosovo conflict. Improved border controls resulting from the 1997 full implementation of the Schengen Agreement have led to an increase in asylum applications. Aliens who formerly used the country as a transit point increasingly are filing asylum applications upon arrival.

In May 1999, an unsuccessful Nigerian asylum applicant, Marcus Omofuma, died while being deported to Lagos via Sofia, Bulgaria (see Section 1.a.). Because of Omofuma's violent, uncooperative behavior, accompanying Austrian police physically restrained him, including taping his mouth shut to silence his loud outcries. Omofuma lost consciousness during the flight and was pronounced dead upon arrival in Sofia. The incident prompted a complete review of internal procedures regarding deportations. Two of the three police officers who accompanied Omofuma were suspended. The Interior Ministry created the Human Rights Advisory Council, composed of representatives from the Justice and Interior Ministries, as well as NGO's, to ensure that the police and gendarmerie respect human rights while carrying out their duties. In addition, the Ministry announced a new policy requiring that all potentially violent individuals be deported via chartered aircraft, rather than on commercial flights. The investigation into the Omofuma case is ongoing. Civil charges, filed on behalf of Omofuma's daughter stating that Omofuma's human rights were violated, are also pending.

In August the Human Rights Advisory Council released a report criticizing the conditions of deportation detention for minors as not meeting minimum international standards. The council's report to the Ministry of Interior lists 43 recommendations aimed at correcting the implementation of current legal provisions or at amending the law.

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. Citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National elections were held in October 1999, in which the Social Democrats (SPO) won 65 seats in Parliament; the Freedom party (FPO) 52; the People's Party (OVP) 52; and the Green Party 14. On February 4, the OVP and FPO formed a right-of-center coalition government, headed by the OVP.

Women play an active role but are underrepresented in government and politics. Approximately 27 percent of the Members of Parliament and 5 of 16 cabinet members are women.

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

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

Following the inclusion of the FPO in the Government, several NGO's expressed concern that the country's climate of tolerance and respect for ethnic and religious diversity would worsen. During the summer, a group of 3 human rights experts, accepted by the other 14 EU member states, conducted a review of the rights of minorities, refugees, and immigrants in the country. Their report, published in September, concluded that appropriate legal protection was available for minorities.

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

The law provides for protection against any of these kinds of discrimination in employment, provision of welfare benefits, and other matters, and the Government generally enforces its provisions effectively. There were allegations that police abused homosexuals (see Section 1.c.).

Women.—Violence against women remains a problem. An estimated 300,000 women are abused annually. Police and judges enforce laws against violence; however, less than 10 percent of abused women are estimated to file complaints. Overall, the Association of Houses for Battered Women estimates that one-fifth of the country's 1.5 million adult women has suffered from violence in a relationship. In July 1999, legislators passed an amendment to the 1997 Law on the Protection Against Violence in the Family, extending the period during which police can expel abusive family members from family homes. Between January and June, the injunction to prevent abusive family members from returning home was applied in 1,687 cases. The Government also sponsors shelters and help lines for women.

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

Most legal restrictions on women's rights have been abolished. In 1994 the European Court of Justice ruled that the country's law prohibiting women from working nights was not permissible and gave the Government until 2001 to adapt its legislation to gender-neutral EU regulations. Legislation went into effect in January 1998, requiring that collective bargaining units take action by 2001 to eliminate restrictions on nighttime work for women.

In October the Freedom Party replaced Social Security and Generations Minister Elisabeth Sickl with FPO Member of Parliament Herbert Haupt. The Government received extensive criticism for replacing the head of this ministry, which oversees women's affairs, with a man. A Federal Equality Commission and a Federal Commissioner for Equal Treatment oversee laws prescribing equal treatment of men and women. Sixty percent of women between the ages of 15 and 60 are in the labor force. Despite substantial gains, women's incomes continue to average 30 percent less than those of men.

In September the U.N. Committee on Elimination of Discrimination Against Women released a report criticizing the new Government's treatment of women, including its decision to abolish the Federal Women's Affairs Ministry and fold its portfolio into the newly created Ministry of Social Affairs and Generations. The Committee was especially concerned about immigrant women's access to employment.

As of January 1, 1998, women were allowed to serve in the military voluntarily. On April 1, 1998, the first two women began training. On December 1, 1998, the first women, both doctors, were taken into the military. The long-term expectation is that women may make up about 5 percent of the military. As of August, there were a total of 104 women serving in the military. This includes 6 officers, 2 of whom currently are serving in peacekeeping operations abroad, and 13 noncommissioned officers (NCO's). There are 7 women currently undergoing officer training and 52 training to be NCO's. The remaining 26 are training as high-level athletes. There are no restrictions on the type or location of assignments given to women.

Although labor laws provide for equal treatment for women in the civil service, they remain underrepresented. To remedy this circumstance, a 1993 law requires hiring women of equivalent qualifications ahead of men in civil service areas in which less than 40 percent of the employees are women; however, there are no penalties for failing to attain the 40 percent target. Critics of the Government raised the issue of sexual equality in a proposed "objectivity law" on personnel appoint-

ments in the civil service. They are asking for provisions that provide parity between men and women on personnel appointment panels.

Women may be awarded compensation of up to 4 months' salary if discriminated against in promotions because of their sex. The Labor Court also can order employers to compensate victims of sexual harassment.

Women's rights organizations are partly politically affiliated, and partly autonomous groups. In voicing their concerns, they receive wide public attention. Despite fears of women's rights groups, the new coalition asserted that these groups would continue to receive government subsidies.

Children.—Laws protect the vast majority of children's rights established in international conventions and in some respects go beyond them. Each provincial government and the federal Ministry for Youth and Family Affairs has an "Ombudsperson for Children and Adolescents" whose main function is to resolve complaints about violations of rights of children.

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

There is no societal pattern of abuse against children, although heightened awareness of child abuse has led the Government to increase its efforts to monitor the issue and prosecute offenders. The growing number of reported incidences of child abuse is considered a result of increased public awareness of the problem. According to the Penal Code, sexual intercourse between an adult and a child (under 14 years of age) is punishable with a prison sentence of up to 10 years; in case of pregnancy of the victim, the sentence can be extended to up to 15 years. In 1999 the Ministry of Justice reported 690 cases of child abuse involving either intercourse with a minor (paragraph 206 of the Penal Code) or attempted intercourse with a minor (paragraph 207). Of these, 519 cases were investigated. In 1998 there were 745 cases involving the same sections of the Penal Code, of which 554 were investigated, resulting in 252 convictions.

Stricter regulations on child pornography went into effect in 1997. Under the new laws, any citizen engaging in child pornography in a foreign country becomes punishable under Austrian law even if the actions are not punishable in the country where this violation was committed. The laws also entail more severe provisions for the possession, trading, and private viewing of pornographic materials. For example, exchanging videos is now illegal even if done privately rather than as a business transaction.

People with Disabilities.—The law protects disabled individuals from discrimination in housing, education, and employment. In July 1997, Parliament passed an amendment to the Constitution explicitly requiring the State to provide for equal rights for the disabled "in all areas of everyday life." The law requires all private enterprises and state and federal government offices to employ 1 disabled person for every 25 to 45 employees, depending on the type of work. Employers who do not meet this requirement must pay a fee to the Government, and the proceeds help finance services for the disabled such as training programs, wage subsidies, and workplace adaptations. However, the law has received some criticism, since many observers believe that penalties are too low to discourage companies from bypassing the requirement. No federal law mandates access for the physically disabled; some public buildings are virtually inaccessible to those unable to climb stairs.

Mentally retarded women can be sterilized involuntarily at the request of parents; in the case of minors; or, by request of the responsible family member or by court order, in the case of adults. One political party has called for restrictive legislation to make it more difficult to sterilize mentally retarded women; however, no legislative action has ever been taken on this proposal.

Religious Minorities.—Members of various nonrecognized religious groups complained of discrimination and harassment by the public. The head of the Lutheran Church in Burgenland, Gertrude Knoll, who spoke out against intolerance and xenophobia at a February political demonstration, was subjected to hate mail and threats against herself and her family. It was widely assumed, but never proven, that FPO supporters were behind the hate campaign.

The leader of the country's Jewish community reported that persons within the community who took a stand against racism and xenophobia (including himself) were subjected to verbal and written threats. The FPO's attitudes against foreigners and minorities reportedly led some members of the Jewish community to consider leaving the country.

National/Racial/Ethnic Minorities.—While statistics for the first half of the year showed a marked increase in the number of official complaints of neo-Nazi, right-

wing extremist, or xenophobic incidents, the Interior Ministry estimates that figures for the calendar year indicate a slight overall decrease compared to 1999. In 1999 the Ministry recorded 311 rightwing incidents, 15 anti-Semitic incidents, and 52 xenophobic incidents, which led to a total of 25 convictions. In 1998 there were 244 reported rightwing incidents, 31 anti-Semitic incidents, and 8 xenophobic incidents, with 41 convictions. The Government expressed concern over the activities of extreme-right skinhead and neo-Nazi groups, many with links to organizations in other countries. Despite ongoing budgetary austerity, the Government retained the previous year's funding levels for ethnic minorities in the 2000 budget.

In August the domestic media reported that the European Commission Against Racism and Intolerance (ECRI) issued a confidential report to the Government recommending the swift implementation of additional measures against racism, xenophobia, discrimination, and intolerance. Members of the Commission reportedly expressed "deep concern about the extensive use of racist and xenophobic remarks by Austrian politicians."

In July the Government passed a comprehensive prominority rights bill providing expanded constitutional protections for the country's six officially recognized minorities. In response to a longstanding demand by minority representatives, the governing coalition committed to "honor and promote its historic minorities" as a constitutionally anchored policy goal. In a related development, the Government approved the placement of bilingual town signs in Croat- and Hungarian-speaking areas of Burgenland province, an action pending since 1955. The Government also agreed to continue funding, albeit at lower levels, privately run minority radio stations. In Carinthia Governor Haider promised to fulfill a longstanding demand by the resident Slovene minority for a dedicated seat in the provincial assembly. Haider also promised to implement additional prominority measures in the province's preschool system. Minority representatives acknowledged all these measures, but some critics contend that the recent spate of prominority measures is clearly a result of EU sanctions.

In October 1999, authorities arrested 69 suspected neo-Nazis in the province of Upper Austria. The group had contacts with neo-Nazis in several other countries. In a separate action in November 1999, 17 skinheads in the same province were charged with violation of the law against neo-Nazi activities.

In March 1999, Franz Fuchs was convicted of conducting a xenophobic, deadly letter bomb campaign between 1993 and 1997. He was sentenced to life imprisonment but committed suicide in February.

During the national election campaign, the Freedom Party exploited the fears of many citizens that EU expansion and a continued influx of asylum seekers and refugees from the Balkans and other areas would result in uncontrolled immigration. The Vienna FPO chapter widely distributed placards carrying anti-immigrant slogans, including a call to stop "overforeignization."

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions without prior authorization, under general constitutional provisions regarding freedom of association. In practice trade unions have an important and independent voice in the political, social, and economic life of the country. Fifty-two percent of the work force are organized into 13 national unions belonging to the Austrian Trade Union Federation (OGB), which has a highly centralized leadership structure. Association of national unions with the OGB is voluntary. Individual unions and the OGB are independent of government or political party control, although formal factions within these organizations are allied closely with political parties.

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

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. Almost all large companies, private or state-owned, are organized. Worker councils operate at the enterprise level, and workers are entitled by law to elect one-third of the members of the supervisory boards of major companies. Collective agreements covering wages, benefits, and working conditions are negotiated by the OGB with the National Chamber of Commerce and its associations, which represent the employers. The Joint Parity Commission sets wage and price policy guidelines. A 1973 law obliges employers in enterprises with more than five employees to prove that job dismissals are not motivated by antiunion discrimination. Employers found guilty of this offense are required to reinstate workers.

Labor and business representatives remain in a longstanding disagreement over how to comply with the obligation under the International Labor Organization's Convention 98 to provide legal protection to employees against arbitrary dismissals in firms with five employees or fewer.

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor is prohibited by law and generally is not practiced. Trafficking in women for the purpose of forced prostitution remains a problem (see Section 6.f.). The Government prohibits forced and bonded labor by children and enforces this prohibition effectively.

Former forced laborers have filed suits against Austrian companies that used forced labor provided by the Nazi government. In October an agreement was signed between the Government, attorneys representing former forced and slave laborers, and representatives of foreign governments, providing for compensation for former forced and slave laborers. In July Parliament unanimously passed legislation authorizing the payment of \$418 million (6 billion ATS) for victims of forced and slave labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs effectively enforces the law. The Government has adopted laws and policies to protect children from exploitation in the work place. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimums by job classification for each industry. The generally accepted unofficial minimum gross income is \$11,200 (168,000 ATS) per year. Every worker is entitled to a variety of generous social benefits. The average citizen has a high standard of living, and even the minimum wages are sufficient to permit a decent living for workers and their families.

Although the legal workweek has been established at 40 hours since 1975, more than 50 percent of the labor force is covered by collective bargaining agreements that set the workweek at 38 or 38½ hours.

Extensive legislation, regularly enforced by the Labor Inspectorate of the Ministry of Social Affairs, provides for mandatory occupational health and safety standards. Workers may file complaints anonymously with the Labor Inspectorate, which may bring suit against the employer on behalf of the employee; however, this option is rarely exercised, as workers normally rely instead on the Chambers of Labor, which file suits on their behalf.

The Labor Code provides that workers have the right to remove themselves from a job if they fear "serious, immediate danger to life and health" without incurring any prejudice to their job or career.

f. Trafficking in Persons.—There is no single law covering trafficking in persons generally, but several laws contain provisions that apply to this problem. Trafficking for the purpose of prostitution is illegal, and the law provides for a jail sentence of up to 10 years for convicted traffickers. Prostitution itself is legal. Another law covers trafficking in persons for purposes other than prostitution. NGO's report that enforcement is weak and that convicted traffickers generally receive sentences of less than 3 years imprisonment. A leading domestic NGO reports that the country has shifted from being a transit country to a major final destination, primarily for women from Eastern Europe and the countries of the former Soviet Union who are trafficked into prostitution and other forms of forced dependency. Convictions for trafficking in women and children increased by 162 percent. Police estimate that one-fourth of trafficking in women in the country is controlled by organized crime. Austria is particularly attractive to traffickers due to its geographic location and to the fact that citizens of the Czech Republic, Slovakia, and Hungary do not require visas to enter the country. On March 24, the Interior Ministry announced draft legislation to enact stronger penalties against alien smuggling. The maximum penalty for the most serious offenses would increase from 5 to 10 years' imprisonment. In the first 6 months of the year, the authorities arrested 133 smugglers of persons.

A witness protection program granting temporary resident status to women willing to testify against their traffickers went into effect on January 1, 1998. In the past, because so few witnesses agreed to testify against their traffickers, prosecution was difficult, and those trafficked often simply were expelled from the country. The witness protection plan is aimed at generating more support from witnesses; however, victims still rarely agree to testify, due to fear of retribution. The temporary

resident status allows victims to stay in the country only during a trial; no provisions are made for them to stay in the country following their testimony. Virtually all victims are deported. Various NGO's, with the support of the Government, have begun to broaden their assistance and strong support for battered spouses to include those women seeking to flee from the prostitution traps created by criminal elements. There is one NGO center that provides comprehensive counseling, educational services, and emergency housing to victims of trafficking.

AZERBAIJAN

Azerbaijan is a republic with a presidential form of government. Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor in 1993, was reelected in October 1998 in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels. President Aliyev and his supporters continue to dominate the government and the multiparty 125-member Parliament. Parliamentary elections held in November showed some progress over the flawed 1995 elections in that political pluralism was advanced; however, there were numerous serious flaws; and the elections did not meet international standards. Serious irregularities included the disqualification of half of the prospective candidates in the single mandate elections, a flawed appeals process, ballot box stuffing, manipulated turnout results, premarked ballots, severe restrictions on domestic nonpartisan observers, and a completely flawed vote counting process. The Constitution, adopted in a 1995 referendum, established a system of government based on a division of powers among a strong presidency, a legislature with the power to approve the budget and impeach the President, and a nominally independent judiciary. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

The police, the Ministry of Internal Affairs, and the Ministry of National Security are responsible for internal security. Members of the police continue to commit numerous human rights abuses.

Azerbaijan continued to affirm its commitment to an economic transition from central planning to a free market; however, reforms stagnated in practice. Economic growth has been spurred by substantial foreign investment in the hydrocarbon sector, but it is offset by widespread corruption and patronage. While government statistics pointed to continued economic growth during the year, the real economy continues to be affected by a low level of foreign business activity due largely to low oil prices in 1999, a lack of oil industry infrastructure, widespread corruption and a deteriorating business climate. Consistently high oil prices appear to be reversing that trend. The country has rich petroleum reserves and significant agricultural potential. Oil and oil products are the largest export, followed by cotton and tobacco. Other key industries are chemicals and oil field machinery. The government signed new oil production sharing agreements with foreign oil companies and a group of eight oil companies formed a sponsors group and began engineering studies for the Baku-Tbilisi-Ceyhan main export pipeline. Agriculture employs 36 percent of the labor force and makes up 22 percent of the gross domestic product (GDP). The leading crops are wheat, fruit and vegetables, cotton, tobacco, and grapes. Privatization of industry was postponed while the government rewrote its privatization laws to bring them up to international standards. On August 10, President Aliyev issued a decree to implement the new privatization law adopted by the Parliament in May. Large enterprises remain almost exclusively under government control and operate at a fraction of their capacity. The accumulation of large wage arrears is common. Private retail enterprises, cotton gins, and grain mills are proliferating. More than 90 percent of the nation's farmland is now in private hands, but new small farmers have poor access to credit and markets, and commercial agriculture remains weak. Per capita GDP is approximately \$500 per year. Much of the labor force is employed in the state sector where wages are low. The overall economic situation of the average citizen remains tenuous, although in urban areas a growing moneyed class with trade and oil-related interests has emerged. According to official statistics, the economy now is only 60 percent of the size of the economy in 1991. According to the World Bank, 60 percent of the citizens live in poverty. Severe disparities of income have emerged that are attributed partly to patronage and corruption.

The Government's human rights record remained poor; although there were improvements in a few significant areas, serious problems remain. The Government continues to restrict citizens' ability to change their government peacefully. Police tortured and beat persons in custody, arbitrarily arrested and detained persons, and

conducted searches and seizures without warrants. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. Prison conditions remained harsh, and some prisoners died as a result of these conditions. Lengthy pretrial detention is still a problem. The judiciary is corrupt, inefficient, and subject to executive influence. Corruption continued to pervade most government organs, and it is widely believed that most persons in appointed government positions and in state employment purchased their positions. During the year a total of five presidential pardons and amnesties resulted in the release of approximately 300 prisoners, including some political prisoners. The Government holds about 50 political prisoners. The Government infringes on citizens' privacy rights. The Government continues to limit freedom of speech and of the press. Although the Government abolished censorship in August 1998, government officials throughout the year sought to intimidate independent and opposition newspapers by suing them for defamation. As a result, journalists practiced self-censorship. Nevertheless, scores of opposition and independent newspapers continue to publish and discuss a wide range of sensitive domestic and foreign policy issues. Criticism of the Government and of the Aliyev family is not uncommon; however, journalists were subject to violence on occasion by unknown assailants who sought to stop media criticism of the Government. The Government continued to deny broadcast licenses to all truly independent organizations that applied to open television and radio stations. The Government also tightly controls official radio and television, the primary source of information for most of the population.

The Government restricted freedom of assembly and association. Although local authorities in Baku permitted several demonstrations to take place, the locations negotiated with the city government were not those preferred by the opposition and were subject to heavy police surveillance. Baku authorities broke up unsanctioned demonstrations and pickets throughout the year. Opposition political parties tried to hold smaller-scale meetings and seminars throughout the country; although many do take place, local authorities refuse to sanction some. The Government continues to refuse to register some political parties. There are currently 38 registered political parties, 20 of which are considered to be opposition parties. The Government registered the opposition Azerbaijan Democratic Party after a long delay in February. After a series of crackdowns on religious groups in the summer and fall of 1999, the Government improved its record on religious liberty following President Aliyev's public commitment to do so in November 1999. The Government acted to redress earlier harassment by lower-level government and security officials, including arrests, deportation orders, and a failure to register religious groups. However, harassment of some non-traditional religious groups by lower-level and local government officials continued. The authorities broke up religious observances, and bureaucratic harassment, including lengthy delays in registration, continued for some religious organizations. The Government at times restricted freedom of movement. The Government controlled the electoral process. Although parliamentary elections held in November showed some improvement over the flawed 1995 elections, numerous serious irregularities marred the process. The Government criticized certain domestic human rights activists. Domestic human rights NGO's routinely experience problems with registration. Violence and discrimination against women and discrimination against certain religious minorities are problems. The Government limits some worker rights. Trafficking in persons, particularly women for the purpose of forced prostitution, is a problem.

After years of interethnic conflict between Armenians and Azerbaijanis, Armenian forces and forces of the self-styled "Republic of Nagorno-Karabakh" (which is not recognized by any government) continue to occupy 20 percent of Azerbaijan's territory. A cease-fire was concluded in 1994, and the peace process continues. Beginning in 1999, the Presidents of Azerbaijan and Armenia held a series of direct meetings to discuss a compromise resolution. These meetings have yet to yield concrete results. Exchanges of fire occurred sporadically along the Azerbaijan-Armenian border and along the line of contact with Nagorno-Karabakh, causing numerous casualties. Military operations of 1989-94 continue to affect the civilian population to this day. There were four civilian and four military casualties during the year caused by landmines. In 1999 three persons were killed and five were wounded by landmines. These landmines were laid near the disputed area by the governments of Azerbaijan and Armenia and the Karabakh Armenian authorities. There are approximately 800,000 Azerbaijani refugees and internally displaced persons (IDP's) who cannot return to their homes in Nagorno-Karabakh and the occupied territories and approximately 300,000 Armenians who cannot return to Baku and other cities in Azerbaijan.

The Government of Azerbaijan does not exercise any control over events inside of Nagorno-Karabakh. Little information is available on the human rights situation in

Nagorno-Karabakh due to limited access to the region by foreign diplomatic officials. In March Nagorno-Karabakh "President" Arkady Ghukasian was injured by gunfire while travelling from his office to his residence. Samuel Babayan, the former chief of the "Nagorno-Karabakh Defense forces" and former "Minister of Defense", his brother Karen (currently mayor of Stepankert), and 25 others were taken into custody in connection with the shooting. On March 28, authorities arrested Vahram Aghajanian, a journalist who writes for an opposition newspaper in Nagorno-Karabakh, and accused him of slandering the "Prime Minister." He was held without charge for 2 weeks after his arrest, and then given a 1-year sentence for defamation of character. In April he was released from prison after an appeals court suspended his 1-year sentence. There were some reports that the Armenian Apostolic Church enjoys at least quasi-official status, and that the practice of some other religious faiths, such as evangelical Christianity, is discouraged.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict continue. They result in injuries and deaths among combatants and occasionally civilians. The taking of prisoners, including civilians, occurs. Nagorno-Karabakh Armenian forces in Nagorno-Karabakh and the occupied territories continued to prevent the return of hundreds of thousands of IDPs to their homes.

RESPECT FOR HUMAN RIGHTS

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

a. Political and other Extrajudicial Killing.—There were no reports of political or extrajudicial killings by government officials.

There were a few reports of deaths of prisoners due, at least in part to prison conditions while in official custody. Several prisoners were killed during a reported uprising at a prison in January 1999 (see Section 1.c.). The Government still has not released a report on the prison uprising.

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

There were four civilian and four military casualties due to landmines during the year. In 1999 three persons were killed and five were wounded by landmines laid near the disputed area of Nagorno-Karabakh. These mines were laid by the governments of Azerbaijan and Armenia and the Karabakh Armenian authorities.

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

During the year, 16 Azerbaijani and 2 Armenian POW's were released. The Government of Azerbaijan claims it has released all Armenian POW's. The International Committee of the Red Cross (ICRC) repeatedly asked the concerned parties for notification of any person captured in relation to the conflict, access to all places of detention connected with the conflict, and release of all such persons. The ICRC also urged the parties to provide information on the fate of persons reported as missing in action. Since 1997 the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani nationals allegedly held by Armenia.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture is illegal; however, there are credible reports that prison guards tortured inmates, and that the police beat prisoners during arrest, interrogation, and pretrial detention. On September 1, the Government enacted a new criminal code that bans acts of torture and makes perpetrators liable for up to 10 years imprisonment. A definition of torture, in line with that contained in the U.N. Convention on Torture, was also adopted. The Government does not hold most members of the police accountable for their actions, and impunity continues to be a problem. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a handful of cases. In a 1999 report, Human Rights Watch noted that the most severe and routine physical abuse of detainees takes place just prior to and during the preliminary investigation, as police and other investigators "isolate detainees from all contact with the outside world, and beat and coerce confessions from suspects and statements from witnesses."

Prison conditions are harsh. The quality of food, housing, and medical care is poor. Prisoners must rely on their families to provide food and medicine. There are widespread and credible reports that authorities deny or give inadequate medical treatment to prisoners with serious medical conditions. Tuberculosis is a problem. Approximately 2,000 prisoners have been treated for tuberculosis. Due to the absence of systematic screening of the prison population, patients often start treatment when they are already seriously ill and there is only a 55 percent cure rate. Authorities severely limit opportunities for exercise and visits by lawyers and family members of prisoners in security prisons. Some prisoners are kept in "separation cells" often located in basements, in which prisoners reportedly are denied food and

sleep in order to elicit confessions from them with no physical evidence of abuse. Men and women are housed in separate prison facilities. On March 20, President Aliyev signed two human rights decrees. One permitted the ICRC to begin prison visits, which allowed the ICRC access to all places and to all detainees within its mandates, both sentenced and unsentenced. The second decree provided for adherence to the U.N. Convention on Torture.

The first visit of ICRC representatives took place on June 23 to Gobustan prison. ICRC visits to the Bailov Detention Center in Baku began on September 6. The ICRC also still had access to prisons where persons of the Nagorno-Karabakh conflict were detained. Local human rights organizations were able to continue their visits to prisons; however, one local organization has been denied access since July.

d. Arbitrary Arrest, Detention, or Exile.—Authorities arbitrarily arrest and detain persons without legal warrants. Often authorities do not notify family members after arrests. Frequently it is days before family members are able to obtain information as to whether authorities have arrested someone, and where authorities are holding the detainee. Family members do not enjoy the right of visitation. Authorities generally deny bail to detained individuals and often do not inform detainees of the charges against them. While the situation appears to be improving gradually, lengthy pretrial detention is still a problem. In July 1999 the Constitutional Court ruled that detainees could have access to a lawyer from the time of detention rather than only after they have been charged with a crime, but access to lawyers is often poor. In the past, police sometimes detained relatives of suspects being sought in an attempt to force the family to reveal a suspect's whereabouts (see Section 1.f.).

Twenty-three members of opposition parties were still in custody at year's end for their alleged participation in an unsanctioned demonstration in Sheki on November 18. Some of these demonstrators violently attacked government buildings and law enforcement officials. Throughout the year, opposition members were detained for participating in unsanctioned demonstrations and later released by police without further charges.

Members of opposition political parties were more likely to experience official harassment than other citizens. In response to publication of a series of articles insulting the residents of the autonomous republic of Nakhchivan published by Yeni Musavat in February, five opposition politicians and the author of the articles were detained by officials in Nakhchivan (see section 2.a.). All were subsequently released.

In July police arrested four participants at an unsanctioned demonstration in support of opposition Azerbaijan National Independence Party leader, Etibar Mammedov. Two of the four were imprisoned while awaiting their trial, which was delayed numerous times. All eventually were fined and released.

Police forcibly dispersed an unsanctioned demonstration on April 29. The demonstrators made up of a cross-section of opposition party members attempted to assemble at a downtown Baku square to demand free and fair parliamentary elections in November. The Government refused to issue a permit for the demonstration and ordered police to break up the rally. A number of protesters and journalists covering the demonstration were injured; dozens were arrested and detained before being released without charges (See sections 2.a. and 2.b.). In 1999, police beat, harassed detained, and arrested members of evangelical Christian and other groups, and seized their documents and property. This year there were few reports of such incidents, and there has been substantial improvement in the treatment of evangelical Christian groups (see Section 2.c.).

In July police arrested and detained worshippers of a Pentecostal church in Baku (see Section 2.c.).

In August Ramiz Hasanov, head of the Azerbaijan Democratic Party's (ADP) Ganja Branch, was arrested for allegedly concealing knowledge of a coup d'etat planned by Ganja's ex-police chief Natiq Effendiyev. No trial date was set by year's end. There were credible reports that local authorities harassed ADP party members while they campaigned for the party in the period prior to parliamentary elections.

In August a member of the Nakhchivan branch of the opposition Musavat Party-demanding free and fair parliamentary elections in November-attempted to hijack a domestic flight from Nakhchivan to Baku. He was subsequently disarmed and arrested after the plane landed safely in Baku. Days later, Yeni Musavat opposition journalist Rauf Arifoglu was arrested for allegedly concealing a weapon, which many believe may have been planted by police, and for concealing prior knowledge of the hijacking attempt. Arifoglu was detained for six weeks and later released in October. A trial date for Arifoglu was not set by year's end. Local police detained several members of the opposition Popular Front Party in Nakhchivan under suspicion for complicity in the hijacking. All later were released. Local police also arrested a Yeni Musavat reporter soon after his arrival in Nakhchivan to cover the hijacking. Police

did not disseminate any information about the journalist's whereabouts until his release 2 days later (see Section 2.a.).

Rza Guliyev and Etibar Guliyev, nephews of exiled opposition politician Rasul Guliyev, were both convicted of large-scale embezzlement in 1999 and 2000, and are currently serving 7 year jail sentences. The actions taken against Guliyev's nephews appeared to be politically motivated. Rasul Guliyev was forced to resign as Speaker of the Parliament in 1996 and now is living abroad. He is accused by the government of large-scale embezzlement and an arrest warrant has been issued based on the results of an investigation by the Prosecutor General's office. Guliyev claims that he and his attorney are unable to see these charges.

On September 1, the Government promulgated several new legal codes, replacing codes from the Soviet era. These included: a new criminal code, a family code, a civil code, a civil procedures code, and a code on administrative violations. Officials cooperated with foreign advisers to develop the new codes in accordance with Western European standards. However, the Government had not implemented completely some of these codes by year's end.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice judges do not function independently of the executive branch. The judicial system is subject to the influence of executive authorities. The President appoints Supreme and Constitutional Court judges, subject to confirmation by Parliament. The President directly appoints lower level judges with no requirement for confirmation. In April qualifying exams for judges were administered for the first time. Over half of the approximately 1,000 test takers passed the written portion of the exam, which international legal observers say was conducted fairly. However, there were numerous reports of fraud during the oral portion of the test, where many positions were allegedly bought and sold. The judiciary is widely believed to be corrupt and inefficient.

During the year, the Constitutional Court formed in 1998 made a number of decisions, which demonstrated a more independent body. In February it reregistered the opposition Azerbaijan Democratic Party following a long and drawn-out appeal by the party. In August it also decided to declare unconstitutional the retroactive application of a clause in the election law that required parties to be registered 6 months in advance of the announcement of the elections. In November it voided the results of the Parliamentary elections in four additional districts (the Central Election Commission (CEC) originally recommended the results in 7 districts be voided).

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court also may act as the court of first instance, depending on the nature and seriousness of the crime.

The Government organizes prosecutors into offices at the district, municipal, and republic level. They are ultimately responsible to the Minister of Justice, are appointed by the President, and are confirmed by Parliament. The Constitution prescribes equal status for prosecutors and defense attorneys before the courts. In practice, prosecutors' prerogatives outweigh those of defense attorneys. Investigations often rely on obtaining confessions rather than obtaining evidence against suspects. No judge has dismissed a case based on a prisoner's claim of having been beaten.

Cases at the district court level are tried before a panel consisting of one judge and two lay assessors. The judge presides over and directs trials. Judges frequently send cases unlikely to end in convictions back to the prosecutor for "additional investigation." Such cases either may be dropped or closed, occasionally without informing either the court or the defendant. The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidentiality of personal or family matters.

The Constitution provides for the presumption of innocence in criminal cases and for numerous other rights, including an exclusionary rule barring the use of illegally obtained evidence and for a suspect's right to legal counsel and to be informed immediately of his legal rights, and of the charges against him. However, the Government has not made significant efforts to enforce these rights throughout the criminal justice system. Defendants may confront witnesses and present evidence. The court appoints an attorney for indigent defendants. Defendants and prosecutors have the right of appeal. The Government generally has observed the constitutional provision for public trial. Foreign and domestic observers generally are able to attend trials.

The Law on Advocates and Advocate Activity entered into force on January 27. It contains some useful features, such as rules on professionalism, and a call for people to pass a bar exam. Many legal observers find the law difficult to understand and question whether its implementation will improve the rule of law. The Inter-

national League for Human Rights (ILHR) considers the law a step back, because they believe it restricts the independence of lawyers and the ability of independent lawyers to defend victims of human rights abuse by requiring defense lawyers in criminal cases and pre-trial detentions to belong to the collegium of advocates. The collegium remains the principal regulatory body of the legal profession under the new law.

The Government held approximately 50 political prisoners at year's end. Some political prisoners were released following five presidential pardons and amnesties during the year. The Government continues to assert that it holds no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in prevention of a crime. The Government infringed on these rights. The Constitution allows searches of residences only with a court order or in cases provided by law. However, citizens widely believe that the Ministry of National Security monitors telephones and Internet traffic, especially those of foreigners and prominent political and business figures. Police often conducted searches without a warrant, and investigations sometimes resulted in confining the individuals to their city of residence or a brief jail sentence for questioning. There were credible allegations that police continued to intimidate and harass family members of suspects (see Sections 1.c. and 1.d.).

There were credible reports that individuals linked to opposition parties were fired from their jobs (see Section 2.d.). In September, the wife of an ADP leader in Khanlar province was fired from her job for collecting signatures for the party's proportional list candidates running in the November parliamentary elections. In Gabala two ADP members were summoned by local authorities and instructed to stop collecting signatures or they would be fired. In Sheki two ADP members were arrested while collecting signatures and then later released. Low-level harassment of certain religious groups continued, despite an overall improvement in religious liberties (see Section 1.c., 1.d., and 2.c.).

In June 1999 a court ruled in favor of a group of Muslim women who sued for the right to wear Islamic headscarves in passport photos. In September 1999, the Supreme Court overturned the lower court ruling; the case remained on appeal in the prosecutor general's office at year's end (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press and specifically outlaws press censorship; however, the Government in some cases restricts these rights in practice. The Government did not take any overt measures to reinstitute press censorship, which was abolished in 1998; however, actions taken by several prominent government officials, including the ongoing series of libel suits resulting in large fines (which would immediately bankrupt any independent or opposition newspaper), created an atmosphere in which editors and journalists exercise self-censorship. Most of the excessive fines were appealed; however, in those cases in which there were rulings, most appeals were denied. Prominent opposition politicians and independent newspapers criticized the government without reprisal.

On February 11, President Aliyev signed a new law on media into effect. Although an improvement over the previous law, in many respects it falls short of international standards. In particular, one section of the law permits the Government to shut down any newspaper that has been convicted of a crime (mainly libel) three times within the period of one year. During the year, this part of the law was used in an attempt to shut down one newspaper, Uch Nogte. The paper continued to publish until it won an appeal, which overturned the verdict.

While the press debated a wide variety of sensitive topics throughout the year, other factors restricted the public's ability to be informed about and discuss political issues. Editors complain that they feel under continuous and growing pressure to moderate criticism of the Government and of figures associated with the ruling circle. During the year, direct criticism of President Aliyev became less frequent. On May 8, Elmar Husseinov found the office to his weekly journal, Monitor Weekly (formerly Monitor), sealed by the Baku tax inspectorate, allegedly for printing articles critical of Aliyev. Most newspapers are printed in the Government's publishing house. The Government's near monopoly of publishing facilities and its control over the price of newsprint give it leverage over the press, a critical matter given the precarious finances of most opposition newspapers. Some editors complain about having their print runs limited by the state printing press, and many cite the threat of increases in paper and printing prices as a constraint on the freedom of the press.

The spate of lawsuits by prominent government officials against opposition or independent media outlets also had a negative effect on freedom of the press in practice. Courts invariably ruled in favor of the government plaintiffs, while ruling against opposition plaintiffs pursuing similar charges against progovernment media outlets in most cases. It appears that the extremely high financial penalties levied by the courts were designed to repress criticism rather than to foster responsible journalism. The provision in the new media law that permits the Government to shut down a newspaper after it loses three lawsuits, adds a powerful weapon to the Government's arsenal of intimidation. Libel suit fines worsened the atmosphere for press freedom. Telescope and Alem Newspapers were fined about \$1,000 (5 million and 4.5 million Manats respectively). Sara Television (which was shut down in the fall of 1999 on the grounds that Azerbaijani law prohibits foreign ownership of domestic television stations) was fined \$55,000 (250 million Manats). The Minister of Culture brought suit against Hurriyet Newspaper and won a \$220 (1 million Manats) fine. There were over 25 legal actions taken against journalists and media outlets during the year, according to the Committee to Protect the Rights of Journalists. Media outlets were fined a total of \$175,600 (803.5 million Manats). These sums are very high, given the country's poor economic situation; however, none have been paid. The chairman of Azeravtonaglyyyat State Concern (a government-run enterprise) claimed his honor and dignity were offended and filed a lawsuit against the independent Avropa newspaper. During the appeals process, the fines against the newspaper were reduced. Avropa was subsequently charged with tax evasion—the second of three charges required to shut it down. Media outlets credibly claimed publicly and privately that the threat of fines and lawsuits forced them to exercise self-censorship.

Journalists were subject to violence. More than 60 separate incidents of harassment or intimidation of journalists were reported during the year, according to local sources. Among the incidents reported were threatening telephone calls, assaults by unidentified persons, beatings by policemen during demonstrations or picketing, and attacks on premises and property. For example, in February a mob attacked the local headquarters of the opposition newspaper Yeni Musavat in the autonomous Nakhchivan Republic. The riot allegedly was triggered by an article highly critical of local authorities and residents of Nehram, hometown of former Parliament foreign affairs committee chairman, Rza Ibadov. Police did not intervene to halt the attack. However, several policemen including senior police officials responsible for that area, were later fired, and others were suspended or reprimanded. Also in February, an independent Sara Television's vice president was injured seriously in an assault by an unidentified person. Despite promises of rapid action, police did not determine the identity of any of the assailants. While the Government denies any relationship with the assailants, the incidents involved opposition journalists who were warned to stop criticizing government officials or policies. In a separate incident in November, a group of women from Mastaha village in Nakhchivan entered Yeni Musavat headquarters to protest an article that criticized a local official. The women subsequently filed a lawsuit against the newspaper claiming its staff had assaulted them during the confrontation. Yeni Musavat brought a countersuit against the women, to which the courts had responded by year's end.

On April 29, police beat 17 journalists covering an unsanctioned opposition demonstration in Baku.

On August 29 Rauf Arifoglu editor-in-chief of Yeni Musavat, was arrested on charges of attempted hijacking, terrorism, and illegal possession of arms (see Section 1.d.).

Media outlets seek powerful patrons and align themselves with political parties and government factions to give themselves financial and legal protection. Current economic difficulties have contributed to the vulnerability of the media as former advertising revenues, primarily from foreign companies, have decreased. Most media have chosen to sacrifice their editorial independence to survive. However, a large number of newspapers continued to publish. One reliable source put the number of registered newspapers at 600, and the number actually publishing at least once a month at nearly 100. These included independent newspapers and newspapers with overt links to major and minor opposition parties. Government-run kiosks and 27 independent news distributors distributed opposition and independent newspapers. A number of editors continued to complain that the government-run kiosks refuse to carry their newspapers or claim to have sold all received copies while, in fact, retaining many unsold copies in stock.

The Government tightly controlled official radio and television, the source of information for much of the population because newspapers too expensive for most persons. Television and radio stations require a license to operate, and the Government used this requirement to prevent several independent stations from broadcasting.

Since 1993 no truly independent broadcaster has received a frequency from the State Commission on Radio and Television frequencies and the Ministry of Communications. There are a limited number of private television stations, whose broadcasts can be received only in Baku or in local areas outside the capital. Only one of the private stations is not directly under the control of a government official, and it is believed widely that this station also has compromised its independence. Independent radio, preferred by the overwhelming majority of listeners, largely is oriented to entertainment, but one independent station broadcasts on political topics. Opposition parties had limited access to the official electronic media. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government. Various talk shows, such as "Nezer Nugtasi" and "NEBZ" broadcast by privately-run, independent television channels, aired views of both government and opposition officials. A series of spacebridge shows which linked Azerbaijani and Armenian officials to discuss the Nagorno-Karabakh conflict began in the fall. During the parliamentary election campaign in November, local broadcasters aired several western-style, political roundtables, which featured representatives from the government and opposition discussing various news issues of the day. The state television channel provided representatives of each participating political party in the election at least one late evening addition to time purchased from the independent television stations for short campaign slots by party leaders; however, these broadcasts were blocked in certain outlying areas of the country.

On July 14, the Government cut electricity from the independent channel ANS for 15 minutes in order to censor an interview with Chechen field commander Shamil Basayev. The Government asserted that it censored the 15-minute interview because it contained terrorist propaganda.

In late August and early September, the State Television and Radio Company, AzTV, conducted a campaign against the Musavat Party and its leader, Isa Gambar, following the hijacking by a Musavat party member of an Azeri airliner on a flight from Nakhchivan to Baku (see Section I.d.). The campaign featured coverage of meetings at collective farms, hospitals, clinics, and other state enterprises where the Musavat Party was criticized for its alleged complicity with terrorism.

At year's end, there were eight independent television stations operating outside of Baku. Four additional independent stations that were closed in 1999 reopened during the year; however, their legal status remained unclear. The state commission on radio and television frequencies had not granted these stations frequencies by year's end, which are required for official registration with the Ministry of Justice. Without registration, these stations are subject to closure at any time by the local or national authorities.

In October the Ministry of Communications shut down the privately run ABA Television for 10 days, in connection with allegations of tax evasion. The investigation was initiated one and a half years ago and continued at year's end.

In November Yeni Musavat, the newspaper of the opposition Musavat Party was found guilty of publishing an article insulting the Saatly district electoral commission. The court fined the newspaper \$200 (1 million Manats). Yeni Musavat had claimed that the outcome of the 1995 parliamentary poll in Saatly, in which President Aliyev's brother Djalal was elected, was falsified. The suit against the newspaper was brought by Ragim Azizov, who was appointed as the Saatly election commission chairman only after the 1995 election.

Three Russian and three Turkish television stations and radio programs are rebroadcast locally through Azerbaijani facilities and are seen and heard in most parts of the country. Radio free Europe/Radio Liberty and the Voice of America broadcast without restriction. There are no restrictions on reception of foreign stations via satellite. There is one 24-hour French language radio station in Baku and a British Broadcasting Company station that offers news programs in Russian, English, and Azerbaijani. The Government granted new broadcast licenses to a few foreign radio stations, plus several regional television stations directly under the control of the local executive commission. The Government has not acted for more than a year on the applications to broadcast of more than 10 independent broadcasters.

The Government allowed limited Internet access. There are 5 Internet service providers and 4 vendors sell accounts. Both providers and vendors have formal links with the Ministry of Communications. In September the Ministry abruptly shut down one provider for unknown reasons. The shutdown allegedly involves the refusal to pay new, higher fees for the use of Ministry of Communications telephone lines, but it is widely believed that the real issue was the Ministry of Communication's desire for a monopoly over this market. The Ministry of Communications and certain individuals either in the Ministry or closely aligned with it apparently seek to maximize both government and personal revenues from this lucrative and grow-

ing source of income. Internet costs average \$.30 (1,400 Manat) per hour (one-tenth the cost in 1998). Although few citizens can afford home computers or access fees, Internet cafes, which are widespread in Baku and other cities, offer affordable internet access. Many persons believe that the Government monitors Internet traffic, especially that of foreign businesses and opposition intellectuals and leaders (see Section 1.f.).

Appointments to government-controlled academic positions are heavily dependent on political connections. Nevertheless, several professors with tenure are active in opposition parties. There were no complaints of violation of academic freedom or of censorship of books or academic journals.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricts this right on occasion. Authorities frequently prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings. The Government did allow some opposition parties to organize so-called “pickets” (demonstrations with less than 50 participants) and to stage larger rallies far from the city center. Authorities cited security considerations repeatedly to ban any larger demonstrations in the center of town throughout the year. During the year, authorities cancelled numerous protests and rallies. At year’s end, the Government held 23 persons who were detained during demonstrations which took place in Sheki on November 18.

The Government detained persons at unauthorized rallies and meetings throughout the year, but most were released without charges after a brief period of detention. Police forcibly dispersed an unsanctioned demonstration on April 29. The Government allowed several opposition demonstrations to take place in Baku during the spring and summer. For example, Government sanctioned opposition rallies were held on August 5 and 12. In August and September, journalists and members of NGO’s held unsanctioned rallies in Baku to protest the imprisonment of opposition newspaper editor Rauf Arifoglu (see Section 1.d.). Police in Baku intervened on October 28 to prevent 40 members of the Civil Unity Party, which supported former President Ayaz Mutalibov, from holding a protest demonstration in the city center. The party’s leaders were warned earlier not to have the demonstration, which was intended to protest the refusal of the authorities to register the party. Several would-be demonstrators were beaten and injured. Opposition demonstrators were prevented from assembling in downtown Baku on November 25, because their rally had not been sanctioned by the local authorities. On November 18, demonstrations took place in several cities around the country including Baku, where approximately 4,000 persons gathered to protest the flawed parliamentary elections. Outside Baku some rallies drew over 1,000 demonstrators, who protested not only the elections but energy shortages in the region. In the regions where protesters received permission from local authorities to demonstrate, the protests proceeded peacefully. However, protesters without permits were dispersed by government authorities, with some arrests in the regional capitals. Protests in Agdash and Sheki led to violence, as police and demonstrators clashed. There were also protests in the regions over the reintroduction of energy cutbacks that had been suspended before the elections.

The Government repeatedly turned down requests for demonstrations in support of former Communist leader and President Ayaz Mutallibov, who now lives in Russia. Heads of local governments in several different sections of the country repeatedly refused the requests of opposition Members of Parliament, such as Popular Front first deputy chairman of the “reformers” faction Ali Kerimov, to hold organized meetings with constituents and interested citizens. On several occasions, central government authorities intervened to overrule the local authorities and allowed Kerimov and other opposition Members of Parliament to hold meetings.

The Constitution provides for freedom of association; however, in practice the Government continued to restrict this right on occasion. The Government requires political parties to register. There are currently 38 registered political parties. Some of these are affiliated with or support the President’s party. At least 20 registered parties are considered opposition parties. In February the Government registered the Azerbaijan Democratic Party, which is lead by former Parliament speaker Rasul Guliyev. Other unregistered parties have not met the legal requirements for registration. Nevertheless, unregistered political parties continued to function openly. Members of unregistered political parties can run for president but must be sponsored by a registered party or an independent “voters initiative group.” Members of unregistered parties may run for Parliament, but only as independents in a direct constituency, not on a party list. A party must be registered to run a list of candidates. Members of unregistered parties can run in municipal elections only as independents, or as nominees of a registered party or another voter initiatives group.

Credible reports of acts of harassment (including beatings) of opposition political figures continued. There were credible reports that individuals linked to opposition parties (and their relatives) were fired from their jobs. Shahid Abbasov, chairman of the local branch of the Musavat Party in Nakhchivan, was abducted on October 19 and beaten by masked men who demanded that he stop criticizing the chairman of Nakhchivan's parliament. The Government has not yet returned the Popular Front's headquarters nor many of its regional offices, which were seized in 1993.

Explicitly ethnic or religious based parties have not been registered.

The Government generally allowed private associations to function freely. The Ministry of Justice requires private organizations to register but does not always grant this registration freely and expeditiously. There are credible reports that the Government refuses to register many new human rights NGO's. Nevertheless, unregistered associations functioned openly. Many of the most active NGO's are affiliated with opposition political parties. The President signed a new law on "public associations" in October.

c. Freedom of Religion.—The Constitution provides that persons of all faiths may choose and practice their religion without restrictions, and the Government generally respected these rights for most citizens; however, Government authorities continued to harass on occasion foreign and Azerbaijani members of nontraditional religious groups. Such harassment was less frequent than in the previous years. Until late in 1999, the Government frequently used clauses in the Law on Religious Freedom and other laws to restrict religious activity by foreigners and nontraditional religious groups, particularly in the fall of 1999, when police and security officials disrupted a number of services, detained ministers, and ordered foreigners deported. Although President Aliyev has enunciated a clear policy of respect for religious freedom, lower level officials continued to attempt to restrict religious activity by local nontraditional groups.

Following a spate of attacks on members of non-traditional Christian groups in the summer and fall of 1999, President Aliyev in November 1999 announced to the National Security Council, and later in a nationwide television broadcast, that the Government henceforth would abide by Organization for Security and Cooperation in Europe (OSCE) standards of religious liberty. In conformity with his directives, government officials subsequently took steps to rectify some past violations of these standards, including the registration of a number of religious organizations that previously had been denied registration, and the reinstatement of selected group members who had been fired from their jobs for their religious affiliation. However the Religious Affairs Department, the government office charged with implementing the country's laws on religion, continued to delay selectively the registration of a few groups and to intervene selectively in the importation of religious literature.

The most common restriction on religious freedom results from the requirement in the Law on Religion that all religious organizations be registered by the Government in order to function legally. In principle a group obtains approval from the Department of Religious Affairs and then applies for formal registration with the Ministry of Justice. The Government stated that by year's end it had registered 39 Muslim and "other" religious groups. However, in practice, the process suffers from a lack of transparency, particularly within the Department of Religious Affairs. This office, an independent entity subordinated directly to the Council of Ministers, has been a bottleneck in the registration process. As a result, several Christian groups still experience problems with registration.

Registration enables a religious organization to maintain a bank account, legally rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a religious group to function. Unregistered groups often continue to operate, but participants are subject to arrest, fines, and—for foreigners—deportation. Religious groups are permitted to appeal registration denials to the courts, but the only group to do so to date—the Pentecostal "Word of Life" Church—lost its case in May 1998. In 1998 Human Rights Watch alleged that the officials responsible for registration took bribes to facilitate registration. The Catholic Church was registered in April 1999. Following the President's public commitment, the Government, specifically the Department of Religious Affairs, and the Ministry of Justice, took action on several applications by religious groups for registration that had been languishing, in some cases for years. The Evangelical Cathedral of Praise and the Nehemiah were registered in December 1999, as were the Jehovah's Witnesses. Prompted by the President's statements, some other religious groups that had been operating under continual low-level harassment because the Religious Affairs Department earlier had denied them registration were finally registered. In March the Community of Mountain Jews and the "Love" Baptist Community were registered. However, a small number of religious groups remain unregistered and continue to suffer from low-level government harassment.

In July police broke up an officially registered Pentecostal church service at the home of a member. Worshipers were detained and harassed for several hours before being released. The next day, the police apologized for their actions; however, the woman owner of the home in which the service took place was subjected to harassment by court officials who ordered her to stand trial for violating outdated administrative codes. The judge dismissed the case as unconstitutional and inconsistent with the 1996 law on religious freedom.

Some government bias against foreign missionary groups persisted. There were instances early in the year in which authorities harassed groups for disseminating religious materials without all the required permits. Since their registration in December 1999, Jehovah's Witnesses have been able to hold large gatherings for the first time in 3 years. However, on April 1, in what the Jehovah's Witnesses themselves refer to as an isolated incident, a meeting of Jehovah's Witnesses was dispersed by police who claimed that they lacked permission from the mayor's office. The manager of the venue subsequently declined to permit them to use it again.

The Law on Religion subordinates all Islamic religious organizations to the Azerbaijan-based spiritual directorate of Caucasus Muslims. In June 1999, a court decided in favor of a group of Muslim women who sued for the right to wear Islamic head scarves in passport photographs. In September 1999, the Supreme Court overturned the lower court ruling; the case was on appeal in the Prosecutor General's office at year's end (see Section 1.f.).

The Law on Religion also permits the production and dissemination of religious literature with the approval of the Department of Religious Affairs and with the agreement of local government authorities. The Government interpreted this provision to mean that only religious groups can engage in such activity and argues that booksellers and other entrepreneurs are forbidden to import and sell religious materials. For example, in September customs officials at the Azerbaijan-Russian border confiscated a new shipment of religious books for the owner of a legally registered bookstore in Baku. Officials alleged that the bookseller did not have the right to "import such books into the country." Only half of these books were released subsequently to the bookseller at year's end.

There is official concern about "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity, which in part is viewed as seeking to spread fundamentalist Islam, which is viewed as a threat to stability and civil peace.

In those portions of Azerbaijan controlled by ethnic Armenians, all ethnic Azerbaijanis have fled and those mosques that have not been destroyed are not functioning. Animosity toward the Armenian population elsewhere in Azerbaijan forced most Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place over a decade ago, remain closed (see Section 5). As a consequence, the estimated 10,000 to 30,000 Armenians who remain in Azerbaijan are unable to attend their traditional places of worship. The Jewish community has freedom to worship and conduct educational activities and, during the year, enjoyed the public support of the Government.

Places of worship seized by the former Soviet Government during the Communist era from the Catholics, the Lutherans, and the Baptists have not been returned to those groups.

Some government officials share the strong popular prejudice against ethnic Azerbaijanis who have converted to Christianity and other religions (see section 5). For example, an ethnic Azerbaijani was subjected to administrative fines by local officials in Baku in July 1999 for possessing Christian literature, and another ethnic Azerbaijani reported that he was arrested, beaten, and imprisoned in August 1999 for changing his religious affiliation and becoming a member of Jehovah's Witnesses. No such incidents have been reported since the President's decree in October 1999.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of citizens to choose freely their place of domicile and to travel abroad and return, and the Government generally respects these provisions; however, at times the Government restricted freedom of movement. At times it limited the movement of members of opposition parties. The internal residence regime ("propiska") still is imposed on internally displaced persons, who are required to register their location with the authorities, and may reside only in approved locations. Residents of border areas in both Azerbaijan and Iran travel across the border in this restricted zone without visas. Foreigners and citizens require a visa to travel to the Autonomous Republic of Nakhchivan.

The Government officially recognizes freedom of emigration. Jewish emigration to Israel and other countries is not restricted by the Government. The remaining Armenian population in Azerbaijan (other than Armenians residing in the Nagorno-Karabakh region of Azerbaijan) is approximately 10,000 to 30,000, almost exclu-

sively persons of mixed descent or in mixed marriages. While official government policy is that ethnic Armenians are free to travel, low-level officials seeking bribes harassed Azerbaijani citizens of Armenian origin who sought to emigrate or obtain passports.

There were no draft notifications that restricted movement during the year. Draft-age men must obtain documents from military officials before they can leave for international travel. Travel restrictions sometimes are placed on military personnel, or persons possessing sensitive national security information.

The number of refugees and internally displaced persons (IDP's) from the Nagorno-Karabakh conflict is approximately 800,000; 200,000 of these are refugees and over 600,000 are IDP's. Armenians have settled in parts of the occupied territories. However, Armenians have not allowed the hundreds of thousands of Azerbaijanis who were forced out of the now-occupied territories to return to their homes. The Government provides little assistance to these persons, and international support to the refugees is declining. Most of these IDP's continue to live in camps and other temporary shelters, at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care. The parties to the conflict have cut normal trade and transportation links to the other side, causing severe hardship to civilians on all sides.

The Constitution provides for political asylum consistent with international norms. The Government depends on international assistance for refugees and IDP's. It cooperates with international organizations to provide aid for them. The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. These organizations report full and unrestricted access to the refugee population.

The Government provides a minimal allowance to the IDP's themselves in the form of a bread allowance of \$4 (18,000 Manats) per month per family as well as an additional \$2 (9,000 Manats) per month for each child. Many of the IDP's complain of "processing fees" by local officials in the amount of approximately 10 percent, further reducing their already minimal allowances.

The issue of the provision of first asylum did not arise. In May 1999, the Parliament passed a new law on refugees; however, this has not yet been implemented. There are no procedures for granting first asylum. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

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

The Constitution and election law allow citizens to change their government by peaceful means; however, the Government continues to restrict citizens' ability to change their government peacefully by interfering in elections. Azerbaijan is a republic with a strong presidency, and a legislature that the Constitution describes as independent. However, in practice the legislature's independence from the executive is marginal. The Parliament exercises little legislative initiative independent of the executive. Opposition parties continued to be active inside and outside the Parliament, agitating for their views in their newspapers and through public statements. As a result of the flawed November parliamentary elections, the New Azerbaijan Party led by President Aliyev, held the overwhelming majority of seats in the 125-member Parliament (71 seats plus 25 seats belonging to nominally independent parties loyal to the president). Opposition members held 16 seats in the newly elected parliament at year's end, according to official results. However, opposition members temporarily boycotted parliamentary sessions to protest election results and called for new nationwide elections. In response to international criticism, the authorities voided results in 11 disputed districts and announced repeat elections would take place in those districts in January 2001.

The Government, with assistance from the OSCE's Office of Democratic Institutions and Human Rights, (ODIHR) drafted new legislation for the Central Election Commission (CEC), in advance of the parliamentary elections, which included a provision to provide a veto for opposition members on the CEC. The Government also drafted and passed a new election law incorporating most OSCE/ODIHR recommendations for reform into the final text. The omission of several important recommendations, however, sparked a temporary boycott by the opposition in the CEC. Shortcomings of the law included: signature requirements and verification procedures for candidates; absence of provisions for domestic non-partisan observers; and a lack of transparency of the vote tabulation procedures at the territorial election commission (TEC) level. In response to the boycott, the Government revoked the opposition's power to veto CEC decisions. Opposition members later resumed participation in the CEC.

The November parliamentary elections showed some improvement over previous elections since 1993 in that political pluralism was advanced, but they did not meet international standards due to numerous serious irregularities. During the pre-election period, parties and candidates had better opportunities to conduct campaigns. Opposition parties were represented on election commissions at all levels; however, opposition representatives were marginalized or bypassed from the decision making process on sensitive issues by the CEC majority. On several occasions the CEC adopted critical decisions outside official sessions and without the approval of the required two-thirds majority. The Central Election Commission originally disqualified the Musavat Party and the Azerbaijan Democratic Party claiming that their registration documents were falsified. However, on October 8, following international criticism and a letter from President Aliyev, the CEC reversed its initial ruling and issued a statement consenting to the registration of slates of candidates from eight opposition political groups, including these two opposition parties. All political parties that sought to actively contest the election were able to register for the proportional ballot, in which 25 out of 125 Members of Parliament were elected. In the single-mandate elections, in which 100 of 125 Members of Parliament were elected, half of the prospective candidates were disqualified from registering, and the appeals process was flawed. Individual candidates were harassed, and some were beaten up or detained. Potential candidates reported that individuals who signed their petitions were asked to remove their names by police.

International observers reported that election day was marred by numerous instances of serious irregularities. These observed irregularities led to serious doubts about the accuracy of the officially recorded vote totals. Observers reported ballot stuffing, manipulated turnout results, and premarked ballots. The Party observers frequently suffered intimidation, harassment, and sometimes arrest, while carrying out their legitimate activities. Unauthorized local officials often controlled the process and sought to influence voters. In several instances, international observers were denied access to polling stations and frequently were expelled from election commission premises. Observers from domestic NGO's and several opposition parties participated on election day. In a reversal of earlier practice, an October law on non-governmental organizations banned election monitoring by representatives of NGO's that received more than 30 percent of their budget from foreign sources. This appeared targeted at preventing For The Sake of Civil Society, the only NGO capable of mounting a nation wide monitoring effort from doing so. Main opposition parties told international observers and journalists that their monitors reported widespread procedural violations and called for repeat nationwide elections. On November 7, the CEC announced that it would investigate and take immediate measures concerning all cases of violation of law and other shortcomings observed by the international and local observers on election day. At year's end, repeat elections were scheduled to occur in eleven districts.

The 1998 presidential election was an improvement over the previous elections, especially in regard to reduced multiple voting and the presence of domestic observers. However, some domestic and international observers witnessed ballot stuffing and irregularities in vote counting, and some were barred from observing the vote counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. Precinct vote totals were never reported. The observed irregularities and lack of transparency in vote counting led to serious doubts about the accuracy of the 76 percent of the vote officially recorded for president Aliyev. In August 1999, newspapers quoted the chairman of the CEC as admitting that Aliyev's vote total was overstated by 12 to 15 percent. International observers, including the OSCE/ODIHR, concluded that the election did not meet international standards.

The 1995 Constitution required that the country's first ever municipal elections be held by November 1997. However, the elections were delayed repeatedly until December 1999. The municipal election process was deeply flawed and were criticized heavily by observers, including the Council of Europe, which noted numerous instances of ballotbox-stuffing, voter intimidation, and other violations. The legislation governing the elections reflected some recommendations of international observers, but several serious problems were not remedied. The process of selecting territorial and precinct electoral commissions to oversee the municipal elections and the process for registering candidates were marred by widespread irregularities favoring the ruling party.

There are no legal restrictions on women's participation in politics; however, they are underrepresented in elective offices, since traditional social norms restrict women's roles in politics. The practice known of family voting, where men often cast the votes of their wives and other female members of their families exists but is declin-

ing in the country. There are 11 female Members of Parliament and 2 women with ministerial rank.

There are no restrictions on the participation of minorities in politics as individuals; however, explicitly ethnically or religiously based parties have not been registered. Members of indigenous ethnic minorities occupy some senior government positions.

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

Several human rights organizations monitor the human rights situation in the country. For the most part, the Government posed no obstacles to the presence of international human rights groups. Some of these groups investigate human rights abuses and disseminate their findings through the media. However, the Government has been critical of certain domestic human rights activists who have raised politically sensitive issues.

The Government has demonstrated some willingness to discuss human rights problems with international and domestic NGO's. The ICRC has had access to prisoners of war as well as civilians held in relation to the conflict over Nagorno-Karabakh. In June the ICRC began its first visits to special security and other prisons (see Section 1.c.).

Government officials occasionally criticize human rights activists. The Government registered the Azerbaijan Human Rights Center (AHRC) in November 1999 and until the summer of 2000; Eldar Zeynalov, Chairman of the AHRC, was routinely granted access to prisons. No official reason has been given for the recent denial of access. The center operates normally, and Zeynalov continues to publish articles regularly about the human rights situation in the country including lists of individuals he believes to be political prisoners, and he has faced no legal action. Zeynalov opened a new chapter of the organization in the western part of the country in August. At year's end the Government sharply criticized several human rights activists for allegedly providing inaccurate lists of political prisoners to visiting Council of Europe parliamentarians.

The Ministry of Justice regularly denies registration to human rights NGO's, some of which are linked to opposition political parties, although it has not tried to halt their activities. Registration enables a human rights organization to maintain a bank account legally, rent property, and generally to act as a legal entity. Lack of registration makes it harder, but not impossible, for a human rights group to function.

The ICRC conducted education programs on international humanitarian law for officials of the Ministries of Interior and Defense, and for university and secondary school students.

In August 1999, the Government created the Commission on Human Rights, funded by a \$400,000 U.N. Development Program (UNDP) grant, which is headed by Justice Minister Fikret Mammedov. The Commission has not yet taken any significant actions. The Ministry of Justice also in August established a new human rights office within the ministry, but by year's end had not defined its agenda.

A foreign NGO representative working on democracy promotion was murdered on November 30 in Baku. Local officials are cooperating with International law enforcement officials on the ongoing investigation.

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

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

Women.—Discussion of violence against women is a taboo subject in Azerbaijan's patriarchal society, but it remains a problem. In rural areas, women have no real recourse against violence by their husbands, regardless of the law. Rape is severely punished, but, especially in rural areas, only a small fraction of offenses against women are reported or prosecuted. According to official statistics, there were 44 reported rapes during the year; the Society for the Defense of Women's Rights (SDWR) claims that rape is on the increase and that the official number is underreported, especially from conservative rural areas. There are no government sponsored or funded programs for victims of violence. There are no specific laws concerning spousal abuse or spousal rape.

Prostitution is a significant problem, particularly in the capital city of Baku. Most women become prostitutes in order to support their family members, and sometimes

it even is encouraged by the family due to the large amount of money to be made. In February 1999, the Society for the Defense of Women's Rights (SDWR) held a conference to highlight concerns over the growing incidents of prostitution and sexually transmitted diseases. At the conference, it was reported that there are more than 30 illegal houses of prostitution in Baku alone, the majority of which are allegedly run by high-ranking officials in government and frequented by members of the prosecutor's office and the police. Women engaged in prostitution are not liable to criminal charges since prostitution is considered a personal matter.

Pornography is prohibited, and the age of sexual consent is 16.

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

Women nominally enjoy the same legal rights as men, including the right to participate in all aspects of economic and social life; however, societal discrimination is a problem. In general women have extensive opportunities for education and work. However, traditional social norms continue to restrict women's roles in the economy. Representation of women is sharply lower in higher levels of the work force. There are few women in executive positions in leading economic enterprises.

Twenty-four women's NGO's are registered, compared with 18 in 1999. The Society for the Defense of Women's Rights (SDWR) spends most of its time fighting unique post-Soviet problems. It has helped divorced women, widows, and wives whose husbands are in prison, all of whom have become socially and legally vulnerable since the fall of the Soviet Union. It assisted widows whose landlords privatized their apartments and then evicted them. The SWDR also worked with divorced women who feel that they have been treated unfairly by divorce courts. Several of the 24 women's NGO's deal with the problems of prostitution and trafficking in women (see Section 6.f.).

Children.—The Constitution and laws commit the Government to protect the rights of children to education and health; however, difficult economic circumstances limit the government's ability to carry out these commitments. Education is compulsory, free, and universal until the age of 17. The Constitution places children's rights on the same footing as those of adults. The Criminal Code prescribes severe penalties for crimes against children. The Government provides minimum standards of health care for children, although the quality of medical care overall is very low. The Government has authorized subsidies for children in an attempt to shield families against economic hardship in the wake of price liberalization, but these subsidies do not come close to covering the shortfall in family budgets. There are a large number of refugee and displaced children living in substandard conditions in refugee camps and public buildings. Children sometimes beg on the streets of Baku and other towns.

There is no known societal pattern of abuse of children.

People with Disabilities.—The Law on Support for the Disabled, enacted in 1993, prescribes priority for invalids and the disabled in obtaining housing, as well as discounts for public transport, and pension supplements. The Government does not have the means to fulfill its commitments. There are no special provisions in the law mandating accessibility to buildings for the disabled.

Religious Minorities.—There is considerable popular concern about the conversion of ethnic Azerbaijanis to faiths considered alien to Azerbaijani traditions. Proselytizing by foreigners is against the law; however it does occur and there is widespread popular hostility towards groups that proselytize (largely evangelical Christians, but also Muslim missionary groups), and toward Muslims who convert to other faiths. Opposition to proselytizing within the population thus far has been limited to verbal criticism and appears focused against two groups. The first consists of evangelical Christian and so-called "nontraditional" religious groups. There is some evidence of widespread prejudice against ethnic Azerbaijanis who have converted to Christianity. During the year, articles periodically appeared in pro-government and independent newspapers and electronic media crudely depicting Christian missionary groups as a threat to the identity of the nation. The perceived threat from such groups is primarily cultural rather than religious. Often these articles attempt to associate evangelists with the foreign intelligence agencies, portraying them as part of a plot to undermine or control Muslim Azerbaijan.

Occasionally popular reaction goes beyond verbal criticism. In August 1999, a crowd of Muslims reportedly broke into a Baptist summer camp in Nardaran, threatening inhabitants and causing significant property damage. Police made no attempt to intervene and said that they found no evidence of the incident.

There has been significant improvement for the Jehovah's Witnesses this year. Since their registration in December 1999, church members have been able to conduct prayer services freely and proselytize with minimal interference by the authorities. In September 1999, several members of Jehovah's Witnesses reportedly were

subjected to humiliation and degradation when a factory manager assembled the plant's work force and berated the members of Jehovah's Witnesses for betraying their country by adopting a new religion. During the event, the father of one of the members of Jehovah's Witnesses publicly disowned her for adopting the new religion. In November 1999, the factory reinstated the members with full back pay (see Section 2.c.).

There is societal hostility toward Muslim groups, mostly from Iran, which seek to spread political Islam. Newspaper articles appear periodically depicting certain foreign-backed Muslim missionaries as a threat to stability and civil peace, and in some cases, as part of an Iranian strategy to destabilize and ultimately establish control over the country.

Reflecting the intense popular hostility toward Armenians that prevails in the country and the forced departure of most of the Armenian population, all Armenian churches, many of them damaged in ethnic riots which took place over a decade ago, remain closed. As a consequence, ethnic Armenians who remain in Azerbaijan, estimated to number between 10,000 and 30,000, are deprived of an opportunity for public worship. A similar situation exists in the Armenian-controlled portions of Azerbaijan, from which the Armenians forced approximately 800,000 ethnic Azerbaijanis to flee their homes and where those mosques that have not been destroyed are not functioning.

Jews generally do not suffer from societal discrimination; however, according to the Union of Councils for Soviet Jews, two Baku synagogues were desecrated in the fall of 1998. No arrests have been made.

National/Racial/Ethnic Minorities.—The outbreak of hostilities, anti-Armenian riots, and economic collapse in the final years of the Soviet union led to the expulsion of almost all Armenians and the departure of Russians and others. An estimated 10,000 to 30,000 Armenians still live in Azerbaijan, mostly women with ethnic Azerbaijani or Russian husbands. Most seek to shield their national identity. Some have changed their nationality, as reported in their passports, to Azerbaijani. With the nearly complete departure of the Armenian population, the number of problems reported by this ethnic minority has decreased. Armenians have complained of discrimination in employment and harassment at schools and workplaces and of the refusal of local government authorities to pay pensions. Armenian widows have had permits to live in Baku revoked. However, some persons of mixed Armenian-Azerbaijani descent continue to occupy government positions.

Indigenous ethnic minorities, such as the Talysh, Lezghis, Avars, and Georgians, do not suffer discrimination. However, Meskhetian Turks displaced from Central Asia, as well as Kurdish displaced persons from the Armenian-occupied Lachin region, complain of discrimination.

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

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, including the right to form labor unions; however, one or another sub-branch of the government-run Azerbaijani Labor Federation organizes most industrial and white-collar workers. The overwhelming majority of labor unions still operate as they did under the Soviet system and remain tightly linked to the Government. Most major industries remain state-owned.

An independent Union of Oil Workers that was displaced by a pro-government union in 1997 has not been revived. In 1997 the State Oil Company (SOCAR) formed a pro-government union, the Azerbaijan Union of Oil and Gas Industry Workers, which took over the former Independent Oil Workers Union without a vote of the union membership. It continues to operate without a vote of its rank and file workers. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operates outside of established trade union structures and promotes the interests of workers in the petroleum sector.

The Constitution provides for the right to strike, and there are no legal restrictions on strikes or provisions for retribution against strikers.

The Azerbaijan Trade Union Confederation (ATUC) has 1.5 million members, of which approximately 800,000 are active members. The Government-run Azerbaijan Labor Federation has 300,000 members. Trade unions are prohibited by law from engaging in political activity (even though, as individuals, members of trade unions can participate in political activities).

Unions are free to form federations and to affiliate with international bodies; in November the ATUC became a member of the International Confederation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—A 1996 law provides for collective bargaining agreements to set wages in state enterprises. A labor inspectorate was established in 1997. However, these laws have not produced an effective system of collective bargaining between unions and enterprise management. Government-appointed boards and directors run the major enterprises and set wages. Unions effectively do not participate in determining wage levels. In a carryover from the Soviet system, both management and workers are considered members of the professional unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution allows forced or compulsory labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person, and the government has not invoked this clause; however, women are trafficked for the purpose of forced prostitution (see Section 6.f.). Two departments in the General Prosecutor's office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) enforce the prohibition on forced or compulsory labor. There are no constitutional provisions or laws specifically prohibiting forced and bonded labor by children; however, such practices are not known to occur. There were no reports during the year of compulsory cotton picking by children or adults.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Primary school education is compulsory, free, and universal. Children are normally in school until the age of 17. The law allows children between the ages of 14 and 15 to work with the consent of their parents and limits the workweek of children between the ages of 14 and 16 to 24 hours per week. Children at the age of 15 may work if the workplace's labor union does not object. There is no explicit restriction on the kinds of labor that 15-year-old children may perform with union consent. The Labor and Social Security Ministry has primary enforcement responsibility for child labor laws. With high adult unemployment, there have been few, if any, complaints of abuses of child labor laws. The law does not prohibit specifically forced and bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Government sets the nationwide administrative minimum wage by decree. It is \$3.00 (12,500 manats) per month. This wage is not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$50 (215,000 manats) per person. Since practically all persons who work earn more than the minimum wage, enforcing its low level is not a major issue in labor or political debate.

The disruption of economic links with the rest of the former Soviet Union continues to affect employment in many industries. Idle factory workers typically receive less than half of their former wage. Under these conditions, many workers rely on the safety net of the extended family. More workers and unemployed persons turn to second jobs and makeshift employment in the informal sector, such as operating the family car as a taxi, selling produce from private gardens, or operating small roadside shops. Until the Russian financial crisis many persons (estimates range from between 1 to 2 million) supported themselves on remittances from relatives working in Russia, primarily as street traders. This source of support was reduced severely during 1999 and has not rebounded, although reliable statistics as to the precise amounts involved are not available. Combinations of these and other strategies are the only way for broad sectors of the urban population to reach a subsistence income level.

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

Health and safety standards exist, but usually they are ignored in the workplace. Workers cannot leave dangerous work conditions without fear of losing their jobs.

f. Trafficking in Persons.—Azerbaijan is a source and a transit point for trafficked men, women, and children. Azerbaijanis themselves are trafficked into northern Europe, particularly to the Netherlands and Germany, where many unsuccessfully sought asylum. Women usually are sent to the United Arab Emirates (UAE) or Western Europe, mainly Germany, to participate as workers in the sex industry (for example, in strip clubs) and as prostitutes. Women from Iran, Russia, and sometimes Iraq, are transported through Baku to the UAE, Europe, and occasionally the United States for the same purposes. Under the new criminal code, the act of forcing

an individual into prostitution carries a 10 to 15 year jail term, which is a harsher sentence than the previous code.

A locally based international organization currently is promoting an awareness campaign about the exploitation of women. Several of the country's women's NGO's claim to deal with the problems of trafficking in women and prostitution. There is no mechanism to return trafficked women to Azerbaijan and no support services for female victims of trafficking.

BELARUS

Belarus has a form of governance in which nearly all power is concentrated in the hands of the President and a small circle of advisors. Since his election in July 1994 to a 5-year term as the country's first President, Aleksandr Lukashenko has consolidated power steadily in the executive branch through authoritarian means. He used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers and extend his term in office. Lukashenko ignored the then-Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the current political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner. Most members of the international community criticized the flawed referendum and do not recognize the legitimacy of the 1996 Constitution, legislature, or Aleksandr Lukashenko's continuation in office beyond the legal expiration of his term in July 1999. Parliamentary elections were held in October, the first since the 1996 referendum. The Organization for Security and Cooperation in Europe (OSCE)/Office of Democratic Institution and Human Rights (ODIHR) concluded that the elections fell short of international standards and were neither free nor fair. Although the amended Constitution provides for a formal separation of powers, the President dominates all other branches of Government. The legislature that ended its work in November 2000 was not elected directly, but was created out of the remnants of the former Parliament, which Lukashenko disbanded soon after the 1996 referendum. The Constitution limits the legislature to meeting twice per year for no more than a total of 170 days. Presidential decrees made when the legislature is out of session have the force of law, except—in theory—in those cases restricted by the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees having the force of law in circumstances of "specific necessity and urgency," a provision that Lukashenko has interpreted broadly. The judiciary is not independent.

Law enforcement and internal security responsibilities are shared by the Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which answer directly to the President. Civilian authorities do not maintain effective control of the security forces. Under Lukashenko's direction, the presidential guard—initially created to protect senior officials—continued to act against the Lukashenko's political enemies with no judicial or legislative oversight. On May 25, 1999, the Law on the State Guard officially entered into force. The law, which had been operative on a de facto basis for a number of years, gives the President the right to subordinate all security bodies to his personal command. Members of the security forces have committed numerous human rights abuses.

The country's political leadership opposes any significant economic reforms and remains committed ideologically to a planned economy. The authorities claimed that the gross domestic product (GDP) grew by 6 percent, but most independent analysts doubted that figure and said that any growth that has occurred was the result of "aggregate production" fueled by continued massive credits to the debt-ridden state sector. Officials claimed that per capita GDP remained constant at approximately \$1,400, but in real terms it was much lower. The majority of workers are employed in the state industrial and agricultural sectors, where wages are lower than the national average and wage arrears are chronic. Although the unreliability of official statistics makes it difficult to assess accurately economic conditions, living standards for many segments of society continued to decline. Authorities reported that average monthly wages were just over \$70 a month by year-end, although independent analysts reported the figure was lower. Residents of small towns and rural areas, where incomes are particularly low, sustain themselves through unreported economic activity and small gardens.

The Government's human rights record was very poor and worsened significantly in many areas. The authorities severely limit the right of citizens to change their government, and Lukashenko took severe measures to neutralize political opponents. The authorities did not undertake serious efforts to account for the disappearances that occurred in the previous year of well-known opposition political

figures. Security forces continued to beat political opponents and detainees. There were reports of severe hazing in the military during the year. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated arrests increased, although many of those arrested soon were released. Prolonged detention and delays in trials were common and also occurred in a number of politically sensitive cases. The security services infringed on citizens' privacy rights and monitored closely the activities of opposition politicians and other segments of the population. Severe restrictions on freedom of speech, the press, and peaceful assembly continued, and the authorities did not respect freedom of association. The authorities continued to impose limits on freedom of religion and restricted freedom of movement. Government security agents monitored closely human rights monitors and hindered their efforts. Domestic violence and discrimination against women remained significant problems. Pressures against the Roman Catholic and Protestant churches as well as societal anti-Semitism persist. Authorities continued to harshly restrict workers' rights to associate freely, organize, and bargain. Trafficking in women is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Extrajudicial Killing.—here were no reports of political or other extrajudicial killings.

There were several cases of opposition figures who disappeared in recent years (see Section 1.b.). The opponents of the regime have been missing for such a long period of time, with no credible effort on the part of the Government to account for their whereabouts. Human rights monitors believe that they have been killed for their involvement in political activities.

b. Disappearance.—There have been several cases of opposition figures who disappeared in recent years.

On July 7, Dmitry Zavadsky, a cameraman for the Russian television network ORT, disappeared at the Minsk National Airport while waiting for Pavel Sheremet, another ORT journalist, to arrive from Moscow. When Sheremet arrived at the airport, Zavadsky was missing, but his car was found locked in the airport parking area. In 1997 Zavadsky and Sheremet were arrested by Belarusian authorities for crossing the Belarusian-Lithuanian border illegally while filming a documentary critical of the Lukashenko regime. In a politically motivated trial, Sheremet and Zavadsky were given 2-year and 18-month suspended sentences, respectively. Authorities accused the opposition of organizing Zavadsky's disappearance, calling it a provocation, and later threatened Sheremet with potential charges of slander for an interview, published in the independent press, in which Sheremet blamed Lukashenko and security services for Zavadsky's disappearance. A criminal investigation of the disappearance was opened, but no progress had been reported by year's end (see Section 2.a.). In November ORT Journalist Pavel Sheremet reported that several current and former police officers, including members of the elite Almaz Unit of the Ministry of Interior, have been arrested as suspects in the Zavadsky case. The authorities have not confirmed that those arrested are suspects in the Zavadsky case, nor have they confirmed their identities. Lukashenko fired the head of the KGB and the Prosecutor General following the release of a letter, reportedly written by a KGB officer, alleging that Zavadsky was killed by a group of former and current security service officers. The letter also alleged that senior authorities prevented investigators from fully examining the case. Lukashenko claimed that the letter was a fabrication and promised to renew the investigations into the disappearances; however, no further progress was made at year's end.

On May 7, 1999, former Minister of Internal Affairs Yury Zakharenko disappeared shortly after he told his family in a telephone conversation that he was on his way home. Zakharenko, a close associate of the then-detained former Prime Minister Mikhail Chigir, disappeared after voting began in an opposition presidential election initiative, in which Chigir was one of the principal candidates. An investigation began 6 months later, and there is still no evidence that the authorities have taken concrete steps to resolve the case. The Government also failed to present any information on the investigation despite a request from the U.N. Working Group on Involuntary Disappearances. The authorities also have harassed and hindered the investigations of Zakharenko's disappearance by independent nongovernmental organizations (NGO's). In December Zakharenko's wife and children received political asylum in a Western European country, where they had been residing since August, after accusing Lukashenko of direct involvement in Zakharenko's disappearance.

On September 16, 1999, following a meeting earlier during that day broadcast on state television in which Lukashenko ordered the chiefs of his security services to crack down on "opposition scum," 13th Supreme Soviet Deputy Chairman Viktor Gonchar disappeared, along with his local business associate Anatoliy Krasovsky. A high profile antigovernment politician, Gonchar was considered an active fundraiser for the opposition. Shortly before his disappearance, Gonchar telephoned his wife to inform her that he was on his way home. Broken glass and blood were discovered later at the site where relatives and friends of the men believe the vehicle in which the two were travelling may have been stopped. As with the disappearance of Zakharenko, there is no evidence of progress by official investigators to resolve these cases.

In June Interpol officially notified Belarusian law enforcement agencies that former national bank Chairwoman Tamara Vinnikova, who disappeared in April 1999 from an apartment where she had been under house arrest since 1997, was located in a Western European country. Vinnikova reported in several interviews with the press that she went into hiding to escape suspected conspiracies against her life.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1996 Constitution provides for the inviolability of the person and specifically prohibits torture, as well as cruel, inhuman or degrading treatment; however, police and prison guards beat detainees and prisoners. Law enforcement and prison officials may use physical force against detainees and prisoners only if the latter are violent, have refused to obey the instructions of the prison administration, or have violated "maliciously" the terms of their sentences. However, human rights monitors have credibly reported that investigators coerce confessions through beatings and psychological pressure. Although such behavior is against the law, the authorities seldom, if ever, punishes those who commit such abuses. Guards use force against detainees to coerce confessions as well as during routine activities. Police also beat demonstrators (see Sections 1.d. and 2.b.). On November 20, the U.N. Committee Against Torture issued conclusions and recommendations on the third periodic report on the country. The Committee cited concern over the deterioration in the human rights situation and noted numerous continuing allegations of torture and inhuman treatment or punishment committed by state officials or with their acquiescence. These violations appeared to have been committed against political opponents of the regime and peaceful demonstrators.

On January 14, Oleg Volchek, a human rights monitor and chairman of a non-governmental commission investigating the disappearance of former Internal Affairs Minister Yury Zakharenko, filed a complaint with the Minsk city prosecutor after a lower court refused to bring criminal charges against police who beat him following his arrest on July 21, 1999. Volchek was so severely beaten that he was treated for the injuries he sustained. The police, who denied involvement in the beating, claimed that Volchek attacked them and sustained his injuries when he fell and hit his head on a table. Volchek's attorney and other human rights monitors believe that the authorities attempted to cover up the beating. Volchek's appeal to the Minsk City Court also later was denied.

On March 1, opposition activists Tsimafey Dranchuk, Leanid Malakhaw, and Filip Klikushyn were arrested for demonstrating in front of the Presidential Administration Building and, on March 3, were sentenced to 5 days imprisonment. While being transported from the courthouse to a detention facility, 18-year-old Dranchuk was beaten by militia officials which resulted in serious head injuries. On March 5, he was taken to a Minsk clinic, where his injuries were diagnosed as severe by doctors. Malakhaw and Klikushyn reportedly were beaten by the authorities at the same time as Dranchuk, although they did not sustain serious injuries. They went on a hunger strike to protest their sentences and abuse. Their hunger strike did not produce any result and they were released after 5 day's detention.

On March 25, in a violent crackdown, uniformed and plainclothes security forces beat and detained demonstrators gathering on Yakub Kolas Square in downtown Minsk. According to human rights observers, over 300 demonstrators were arrested and detained. Many of them were beaten severely (see Section 2.b.). Yuri Belenky, deputy chair of the conservative Christian Party of the Belarusian Popular Front, was severely beaten and later hospitalized. Security forces reportedly hit Belenky in the face with a truncheon, put his jacket over his head, knocked him off his feet, and continued to kick him. Belenky was detained for 3 days, after which time a government doctor diagnosed him with a concussion. Belenky's appeals to prosecutors and the courts to bring charges against the security forces responsible for the beating were denied.

According to the Advisory and Monitoring Group (AMG) of the OSCE, in an "unwarranted and superfluous show of force", five demonstrators who participated in

the April 26 Chernobylsky Shlaykh (the Chernobyl Path) march were “forcibly and violently” detained by the militia (see Sections 1.e. and 2.b.).

“Dedovshchina,” the practice of hazing new recruits through beatings and other forms of physical and psychological abuse, apparently has not abated. In the first 5 months of this year, according to government statistics, 30 cases were reported. Efforts by family members and human rights monitors to investigate these cases and other reports of Dedovshchina were blocked by government authorities.

Prison conditions are poor and are marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. Conditions at prison hospitals are poor, according to human rights monitors. Detainees in pretrial detention facilities also reported poor conditions and denial of medical treatment, which contributed to their declining health while they awaited trial. Although official statistics on prison overcrowding are not available, OSCE AMG officers who visited a detention facility in Vitebsk during June 1999 noted that in 1 cell, 16 female prisoners shared 10 beds, while in another, 14 prisoners between the ages of 14 and 17 shared 8 beds.

In 1999 a government amnesty was announced for lesser offenders designed to decrease the prisoner population. Another amnesty was approved by the National Assembly on June 30. Acting Minister of Internal Affairs Mikhail Udovikov announced on June 9 that 9,700 prisoners had received early release or a reduction in their sentences under the 1999 amnesty and that the amnesty could be applied to 10,700 prisoners in jail and 2,400 on parole at that time under the new legislation. Prior to the new amnesty, there were approximately 61,000 prisoners, according to Udovikov. It is unclear to what extent the new amnesty was implemented. According to Udovikov, the amnesty only applied to war veterans, underage persons guilty of minor crimes, pensioners, and the disabled. Those guilty of economic crimes could only receive amnesty after payment of financial restitution.

Male and female prisoners are housed separately. Following an inspection of a correctional facility for women in Gomel on June 1999, Minister of Internal Affairs Yury Sivakov noted in an interview with the official press that, although it was intended to house only 1,350 inmates, it then held 2,800. NGO’s reported that prison conditions did not improve during the year.

On March 1, 13th Supreme Soviet Deputy and political prisoner Vladimir Kudinov was transferred to solitary confinement in a punishment cell for 7 days for alleged misconduct, which included reportedly stopping morning exercises and having left a smoking area too early (see Section 1.d.). Kudinov previously was punished for participating in a chess tournament without prison approval and for other violations of “internal routine.” Kudinov also was denied, without explanation, visits by family and a priest. According to human rights monitors, these punishments were imposed to exclude Kudinov from the list of those eligible for amnesty or early parole.

On July 11, Ivan Lemyashewski, the former head of a group of advisors to the Council of Ministers, issued an open letter to Lukashenko calling for an end to the politically motivated harassment of his family. On June 21, Lemyashewski’s son, Ilya, was shot in the chest by a masked man. The shooting followed an earlier attempt by security forces to recruit Ilya to spy on his father. When he refused, Ilya reportedly was warned that “grave consequences” would follow. Lemyashewski’s car was reportedly tampered with, resulting in an accident, and the family reported receiving numerous threatening telephone calls. The threats and attacks apparently were in retaliation for his resignation from the Government (see Section 2.a.)

Human rights monitors sometimes were granted access to observe prison conditions, although the authorities did not honor some requests to meet with individual prisoners.

d. Arbitrary Arrest, Detention, and Exile.—The authorities have amended only slightly the Soviet-era law on detention, and during the year security forces continued to arrest arbitrarily and detain citizens, most often in connection with demonstrations, some of which were not authorized. Politically motivated arrests continued, although most of those arrested were released within a few days.

The Criminal Procedure Code provides that police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator deems the detention legal, a suspect can be held for a maximum of 10 days without formal charge. However, usually once the decision is made to hold a suspect, formal charges are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general can extend pretrial detention to 18 months to allow for further investigation. Alternatively, a suspect who has been charged can be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law allows detainees the right to apply to the court (rather than the procurator) to determine the legality

of their detentions. However, in practice suspects' appeals to have their detentions reviewed by the courts frequently are suppressed because detainees are at the mercy of investigators, and detention officials are unwilling to forward the appeals. There is no provision for bail under the current legal code.

By law detainees may be allowed unlimited access to legal counsel, and, for those who cannot afford counsel, the court appoints a lawyer. However, investigators routinely fail to inform detainees of their rights and conduct preliminary interrogations without giving detainees an opportunity to consult counsel. The information gained then is used against the defendant in court. Even when appointed by the State, defense attorneys are subordinate to the executive branch. Access by family members to those detained is restricted severely in practice and they frequently are not notified when a family member, even a juvenile, has been detained.

On January 19, Aleksandr Abramovich, leader of the Borisov branch of the Social Democratic Party, was arrested by police near the Minsk city court before the beginning of the trial of former Prime Minister Mikhail Chigir (see Section 1.e.). Abramovich was holding a sign calling for an end to the prosecution of opposition leaders. Abramovich was sentenced to 7 days in jail. In February Abramovich again was arrested and sentenced to 35 days in jail for staging three unsanctioned demonstrations: One against the war in Chechnya, one against the trial of Chigir, and one against the trial of a local businessman. On April 25, Abramovich again was arrested during a rally held in Borisov to mark the 14th anniversary of the Chernobyl accident. At the rally, Abramovich criticized the Government and was arrested immediately after he ripped apart a picture of Lukashenko. Abramovich was sentenced to 5 days in jail for "petty hooliganism."

On February 4, police in Grodno arrested Vladimir Sowtsa, a member of the United Civic Party and an activist in the local union of entrepreneurs, for spreading leaflets about a nationwide strike, which began on February 1. Sowtsa was detained for several hours and then taken to a court where he was fined \$7.50 (6,600 rubles) and later released.

On February 29, while collecting signatures on a petition against the country's union with Russia, two activists of the Belarusian Popular Front were detained for several hours by police and later charged with illegal distribution of printed materials.

On March 1, Filipp Klikushin, Leonid Malakhov, and Timofei Dranchuk were arrested by police for staging an unsanctioned protest near the Presidential Administration in central Minsk in support of those who had disappeared (see Section 1.c.).

On March 23, five youth activists, two of whom were under 18 years of age, were detained by police for distributing leaflets announcing the freedom day march on March 25 marking the 1918 founding of the Belarusian National Republic. One of the activists, Sergei Shevlakov, reported that his family was not notified of his detention until almost 4 hours after the incident, in violation of the administrative offenses code. All five reportedly were verbally threatened and abused by police while in detention.

On March 25, approximately 700 demonstrators gathered on Yakub Kolas Square in Minsk for the "day of freedom" march. On March 24, Minsk city authorities banned the demonstration, despite requests from foreign and domestic human rights observers to allow the demonstration to proceed peacefully. Shortly after the demonstrators gathered on the square, military and police special forces, dressed in riot gear, waded into the crowd using clubs and began to beat and detain demonstrators. According to local human rights lawyers, over 300 demonstrators were arrested and prosecuted for their participation in the event. Many leading opposition politicians were arrested in connection with the demonstration and sentenced to 5 to 7 days imprisonment (see Section 2.b.).

On March 25, 13th Supreme Soviet Deputy and independent journalist Valery Shchukin, was arrested by police in Vitebsk while covering an opposition rally marking the 1918 founding of the Belarusian National Republic. Shchukin was tried and sentenced to 10 days in jail for participating in an unsanctioned demonstration. At the same event, Vladimir Pleshchenko, a local opposition activist, was arrested and later sentenced to 10 days in jail. Roman Solovyan, also a local opposition activist, was arrested and sentenced to 5 days in jail.

On April 26, Anatoly Fyodorov, a local leader of the Belarusian Popular Front, was arrested by police for organizing an unauthorized demonstration in Mogilev on the 14th anniversary of the Chernobyl disaster. Also on April 26, opposition activists Yury Kuzmitsky, Denis Yeryomenko, and Sergei Terekhov were arrested while participating in the Chernobylski Shlyakh demonstration. Kuzmitsky, who severely was beaten by police, was sentenced to 5 days detention for participation in the demonstration. Yeryomenko was convicted of illegal use of flags, pennants, emblems, symbols, or placards for carrying a caricature of Lukashenko. Terekhov was sen-

tenced to 3 days' detention for "speaking of the President in foul language" (see Section 2.b.).

On May 1, 14 opposition and human rights activists were detained by police in Mogilev during a May Day rally in the town's central square. The activists were carrying white-red-white flags and opposition signs and were taken to a police station where they were detained for several hours.

On May 21, Aleksandr Abramovich, Anton Tsylezhnikov, and Alesya Ysyuk were arrested by police in Borisov while demonstrating in support of former Prime Minister Mikhail Chigir. Abramovich and Tsylezhnikov were sentenced to 15 and 10 days' incarceration respectively, and Ysyuk was fined \$404 (390,000 rubles).

On June 20, United Civic Party activists Aleksei Radzivnow and Vladimir Romanovski were detained by police for staging a protest against restrictions on political activity near the Minsk Government Building in downtown Minsk; they were released later the same day.

On June 29, Alexander Abramovich again was arrested and sentenced to 12 days in jail for a demonstration on June 19 in Borisov in which protestors chained themselves to a flagpole and demanded the resignation of the chairman of the Borisov City Executive Committee.

On July 27, Katsyaryna Haravaya and Igar Paremski were arrested and sentenced to 5 and 7 days in jail, respectively, for staging an unsanctioned demonstration in Gomel in which they protested against the establishment of a "fascist regime" in Belarus.

Unidentified, nonuniformed officials working for the security services regularly apprehend participants in antigovernment demonstrations (see Section 2.b.). There are credible reports that plainclothes security officials sometimes infiltrate antigovernment demonstrations in order to either report on opposition protestors or provoke clashes between demonstrators and police. Security officers on occasion also preemptively have apprehended organizers and individuals considered to be potential participants prior to demonstrations, including those that had been sanctioned by the authorities.

On February 10, in an article in the independent newspaper *Narodnaya Volya*, Oleg Baturin, a senior official in the Ministry of Internal Affairs, reported that a clash between demonstrators and security officials at the freedom march I on October 17, 1999, was provoked by plainclothes security officers under orders from the Ministry of Internal Affairs. Following publication of the article, Baturin and his brother, fearing for their personal safety in Belarus, claimed political asylum in Poland. On July 19, Baturin sought refuge at a Western embassy in Minsk and claimed that he had been abducted by unknown assailants, who he later identified as Belarusian security service agents, and was returned forcibly to Belarus. On July 21, Baturin was granted safe passage out of Belarus, to take up political asylum in another country. While some of the facts of Baturin's kidnaping remain unclear, most independent human rights observers believe that his charges against the authorities were the reason for his mistreatment.

Security force officials regularly detained journalists and NGO officials during the year (see Sections 2.b. and 4).

Following demonstrations security officials have held some detainees incommunicado. In addition to the hundreds of antigovernment protestors whom authorities held for several hours or days, there were several prominent political detainees whom the Lukashenko regime held for prolonged periods of time in pretrial detention, some for over a year.

On November 11, 1997, former Minister of Agriculture Vasily Leonov was arrested on charges of large-scale embezzlement and bribery. Leonov was held for over 2 years in pretrial detention, during which he suffered two heart attacks. Leonov also went on a hunger strike to protest the refusal of prison authorities to provide him with medical supplies brought by his relatives. On January 14, Leonov was sentenced to 4 years in prison and confiscation of property for large-scale embezzlement and bribery (see Section 1.e.).

In February 1998, police arrested Andrei Klimov, a successful entrepreneur and member of the Parliament that was illegally dissolved in late 1996, on charges of embezzlement and other financial irregularities. Klimov's supporters and human rights observers believe that his arrest and prosecution was politically motivated because Klimov is an outspoken critic of President Lukashenko and had participated in a commission that examined violations of the law and the Constitution by the President. Klimov's period of pretrial detention was extended on several occasions. He was severely beaten by prison guards on December 13, 1999, following his refusal to leave his cell as a sign of protest. The presiding judge ordered that he be brought to the courtroom. He was beaten by guards and forcefully dragged into the courtroom in torn clothing and without any shoes. Although he was clearly in need

of medical attention, an ambulance was not called until several hours later. On March 17, Klimov was convicted of large-scale embezzlement and forgery and sentenced to 6 years' imprisonment and loss of property (see Section 1.e.).

Statistics on the current number of persons in pretrial detention and the average length of pretrial detention were not available. Acting Minister of Internal Affairs Mikhail Udovikov, in a speech to Parliament on June 9, said that approximately 100,000 people were in pretrial detention or under some form of punishment. In comparison in August 1998 there were approximately 11,000 persons in pretrial detention.

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

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

The criminal justice systems follows the former Soviet model and has three tiers: District courts; regional courts; and the Supreme Court. Several modifications have been made, brought about by the new Constitution, including direct presidential appointments. The Constitutional Court was established in 1994 to adjudicate serious constitutional issues, but, dependent on the executive branch, it does not challenge presidential initiatives. In addition the Constitutional Court has no means to enforce its decisions.

Judges adjudicate trials; only in capital offense trials in which the defendant pleads not guilty and demands a jury trial do juries determine innocence or guilt. Judges are dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing. In addition judges owe their positions to the President. Although the Procurator's Office denies it, there were widespread and credible reports that "telephone justice" (the practice of executive and local authorities dictating to the courts the outcome of trials) continues.

On May 18, in a speech to the Belarusian-Russian Union Parliamentary Assembly, covered by the media and widely criticized by human rights monitors as evidence of the absence of judicial independence, Lukashenko denied allegations of human rights abuses in Belarus and said they were "far-fetched and overblown beyond reason in the West...We have no such violations." He acknowledged that a "number of once famous persons," such a former Prime Minister Chigir and others, had been prosecuted over the past few years. However, "they were caught stealing and got what they deserved...Everybody is equal before the law...Overseas politicians lack objectivity because they surround criminals, thieves, and hooligans with a halo of political martyrs."

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They ultimately are responsible to and serve at the pleasure of the Procurator General who, according to the Constitution, is appointed by the Council of the Republic. Prosecutors are not independent and do not have authority to bring charges against the President or the presidential administration. On May 24, Constitutional Court Chairman Grigory Vasilevich told journalists that a local prosecutor had been correct in rejecting a complaint brought earlier against a presidential administration official. According to Vasilevich, Article 125 of the 1996 Constitution charges the Procurator General and other public prosecutors with the task of "control over the compliance of the ministries, other agencies subordinate to the Council of Ministers, local representative and executive authorities, enterprises, institutions, nongovernmental organizations, officials, and private figures to laws, decrees, edicts, and other legal acts." Prosecutors do not have authority to bring charges against an official of the Presidential Administration, he said, because it is under the authority of the President, and not the Council of Ministers.

In May 1997, Lukashenko issued presidential Decree No. 12, "Several Measures on Improving the Practice of Lawyers and Notaries," which, according to international legal experts and human rights monitors, seriously compromised the inde-

pendence of lawyers from the authorities. The decree, which ostensibly was issued in response to allegedly exorbitant attorneys' fees, subordinated all lawyers to the Ministry of Justice, which controls the licensing of lawyers, and placed the bar association under much greater Ministry of Justice control.

In August 1999, while on an inspection tour in the Brest oblast in the western part of the country, Lukashenko told local reporters that he personally exercised control over "certain" ongoing judicial cases, including that of former Prime Minister and opposition leader Mikhail Chigir. Lukashenko stated, "I have them under control, I am not going to allow any injustice there myself." On August 30, 1999 during a government interagency commission on crime covered by the official media, President Lukashenko reportedly stated, "It is natural for the Head of State to exercise control over one criminal case or another...especially in our country, where the Head of State controls all the branches of power—legislative, executive, and judicial."

Human rights monitor and defense attorney Vera Stremkovskaya was threatened with disbarment following her public criticisms of the Lukashenko regime while on visits abroad in 1998 and during the year. In an attempt to hinder Stremkovskaya's activities, Ministry of Justice officials also have launched investigations and issued warnings to her human rights NGO (see Section 4).

The Constitution provides for public trials, although exceptions can be made in cases established by law (for example, in cases of rape or on grounds of national security). Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf. However, these rights are not always respected in practice. The right to be represented by counsel also is not always respected in practice. While the 1996 Constitution establishes a presumption of innocence, in practice defendants frequently must prove their innocence. According to statistics from the Belarusian Helsinki Committee, in 1998, criminal charges were brought by prosecutors against 59,700 individuals. Of these, only 272, or less than one-half percent were found to be not guilty.

Both defendants and prosecutors have the right of appeal, and most criminal cases are appealed, according to legal sources. In appeals neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Appeals rarely result in reversals of verdicts.

Antigovernment protestors arrested after demonstrations were subjected to assembly line-style trials, often without the right to counsel or the opportunity to present evidence or call witnesses.

On January 14, former Minister of Agriculture Vasily Leonov was sentenced to 4 years in prison and confiscation of property for large-scale embezzlement and bribery. Under the provisions of amnesty legislation, Leonov was released from prison on October 5 after nearly 3 years imprisonment. Leonov allegedly accepted bribes of furniture worth approximately \$52 (42,459 rubles) and foodstuffs worth \$90 (73,383 rubles). Leonov had been arrested on November 11, 1997; he arrest was videotaped and broadcast on national television. In the videotape, police officers were shown taking U.S. dollars out of Leonov's desk. The following day, referring to Leonov's arrest, Lukashenko said law enforcement agencies would "root out corruption" without respect for rank. Legal experts and human rights monitors noted that the trial was rife with abuse of legal procedure, including the use of evidence taken under duress and later recanted, in violation of the Criminal Code.

On June 8, Mogilev regional authorities announced the sale of property belonging to Leonov, confiscated by the Government following his conviction. The house and accessory buildings were offered for sale at a total of \$4,500 (approximately 4,320,000 rubles). According to the human rights organization Charter '97, the authorities published the announcement of the sale in state-run newspapers without waiting for a hearing on a lawsuit brought by family members to block the sale. Authorities also reportedly refused to let the Leonov family buy the property back.

On March 17, a Minsk court sentenced 13th Supreme Soviet Deputy Andrei Klimov to 6 years in prison on fabricated charges of alleged malfeasance and large-scale embezzlement in the handling of government contracts at a property development firm which he had run. Klimov, whose trial began in July 1999, had been in pretrial detention since February 1998 (see Section 1.c.). International and local human rights observers believe that the trial and conviction were politically motivated to punish Klimov for his involvement in a 1996 impeachment drive against President Lukashenko. On August 22, Klimov's appeal was denied by another Minsk court without comment. Human rights monitors believe the appeals court overlooked numerous procedural violations in rejecting the appeal.

On May 19, the political show trial of opposition leader and former Prime Minister Mikhail Chigir concluded with his conviction for exceeding his authority as Prime Minister in granting a delay in payment of customs duties to a company. The court sentenced Chigir to a 3-year prison term suspended for 2 years. The court also

ordered him to pay \$220,000 in damages. The OSCE and other legal observers noted that the judgement involved irregularities in legal procedure and was designed to prevent Chigir from posing a challenge to the Government in presidential elections scheduled for 2001. Chigir had been arrested on March 30, 1999, just prior to a public ceremony to register his participation in an opposition-organized presidential election initiative aimed at drawing attention to the upcoming end of Lukashenko's legal 5-year term in office. It also followed several warnings from government security officials to Chigir that he cease his political activities. Despite protests from the OSCE and a number of foreign governments, Chigir remained in pretrial detention from March 30 until November 30, 1999.

On May 30, speaking at a meeting of participants of a government-organized "social-political dialogue," Lukashenko said Chigir's sentence was lenient. Speaking to the head of the OSCE AMG, Lukashenko said "on your instructions, if you want, as a result of your pressure, although I did not welcome it, your client (Chigir) was forgiven a lot ... Were it not for the OSCE, Chigir would have to serve at least 5 years first in a cell and then somewhere in a prison." Lukashenko's comments were condemned widely by local human rights monitors as further evidence that Chigir's trial was politically motivated because of his opposition to the Lukashenko regime. On August 18, the Supreme Court, following appeals from both Chigir and the procurator, returned the case to the city court for further investigation. In her appeal, Chigir's attorney, Yulia Chigir, cited numerous procedural irregularities, including the unlawful time limit placed on the defense to familiarize itself with the lower court protocol. On December 5, the Supreme Court vacated the sentence against Chigir and returned the case to the procurator's office for further investigation. The panel of judges ruled that the investigators and the judges in the previous trial failed to fully examine the facts of the case. At year's end, no trial date was set.

On June 19, Nikolai Statkevich, chairman of the Belarusian Social Democratic Party, and 13th Supreme Soviet Deputy Valery Shchukin were convicted of active participation in group actions disturbing the peace and were sentenced to 2-year and 18-month suspended sentences, respectively. Statkevich and Shchukin had been arrested immediately following the march for freedom on October 17, 1999, which resulted in clashes between protestors and riot police. Statkevich also was charged with active participation in group actions disturbing the peace for an unauthorized demonstration held on June 27, 1999. The trial, which began on April 24, was marked by violations of judicial procedure. In many cases, witnesses were unable to identify Statkevich or Shchukin and appeared to have been coached. Most human rights observers considered the trial to be politically motivated. On August 25, the Supreme Court, citing procedural and investigative irregularities, upheld an appeal brought by Statkevich and Shchukin, vacated their sentences and returned the case to the Minsk city court for investigation and a new trial.

On July 12, 1999, Vladimir Ravkov, vice rector of the Gomel State Medical Institute, was arrested along with 17 other members of the institute, on corruption charges. Of the 18 arrested, only Ravkov remained in jail pending trial at year's end. Investigators have refused to allow Ravkov's wife, Natalya Ravkova, to defend him in court. Prison administrators reportedly denied Ravkov adequate medical treatment. Human rights monitors reported that this case appears to be politically motivated because of past criticism by the Gomel Medical Institute of government neglect of Chernobyl-related problems.

On October 20, Julia Chigir, wife of Mikhail Chigir, was found guilty of violent resistance to a police officer and given a 2 year suspended sentence. On May 19, Julia Chigir bit the ear of a police officer when he forcibly attempted to block her entrance and that of her supporters, into a Minsk City courthouse on the day of Mr. Chigir's sentencing. The OSCE and human rights monitors noted that the court's ruling contradicted eyewitness accounts of the events on May 19 and that the ruling was politically motivated.

Although the authorities have allowed representatives of the OSCE AMG to visit Supreme Soviet Deputies Klimov and Kudinov and former Agriculture Minister Leonov, authorities have refused permission to other foreign diplomatic and human rights observers to visit the same prisoners (see Section 1.d.). On July 5, the Procurator General's Office denied the OSCE AMG permission to visit Vladimir Ravkov, the jailed vice rector of the Gomel State Medical Institute, whose arrest appears to be politically motivated and who is reported to be in poor health.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for protection against illegal interference in a citizen's personal life, including invasion of privacy, telephone, and other communications; however, the Government does not respect these rights in practice. Although the inviolability of the home also is provided for by the Constitution, which states that "no one shall have the right to enter, without legal reason, the dwelling and other legal

property of a citizen against such a citizen's will," in practice government monitoring of residences, telephones, and computers continued unabated. The KGB is believed widely to enter homes without warrants, conduct unauthorized searches, and read mail. Political, human rights, and other NGO's state that their conversations and correspondence are monitored routinely by the security services. Some opposition figures report a reluctance to visit some foreign embassies due to fear of reprisal.

Nearly all opposition political figures assume that the authorities monitor their activities and conversations. The Lukashenko regime does nothing to refute these assumptions. Militia officers assigned to stand outside diplomatic missions are known to keep records of visits by political opposition leaders. In addition even regime officials do not appear to be exempt from monitoring.

In June United Civic Party Chairman Anatoly Lebedko, a vocal opponent of the Lukashenko regime, discovered a listening device connected to a telephone in his apartment. Independent analysts believe that the device was made and planted in the apartment by the security services.

Security officials routinely raided and searched the apartments of opposition politicians, often without a warrant. For example, on April 19, police and KGB officers conducted an unlawful search of the apartment of Galina Yurina, an opposition activist, confiscated leaflets for an upcoming opposition-organized demonstration as well as personal items and detained Yurina for several hours. On August 23, Yurina was stopped by security officials, and leaflets advocating the boycott of parliamentary elections were seized from her car without a warrant.

Security forces sought to recruit Ilya Lemyashewski, son of the former head of a group of advisors to the Council of Ministers, to spy on his father. On June 21, after his refusal to do so, Ilya was shot in the chest by a masked man (see Section 1.c).

On July 31, 75-year-old Vasily Starovoitov, the former director of the Rassvet agro-industrial enterprise, appealed to police to file criminal charges against two men who attempted to enter his house and threatened him on July 28. Starovoitov had been released from a corrective labor camp in November 1999 after 2 years' imprisonment for allegedly embezzling state credits. Domestic human right groups believe that Starovoitov was arrested to draw attention away from a poor harvest on heavily subsidized state farms. Two men reportedly telephoned Starovoitov and said that they wanted to deliver a message from imprisoned former Agriculture Minister Leonov (see Section 1.e.). Shortly after the call, two men approached the door of Starovoitov's house and identified themselves as police and KGB investigators and threatened Starovoitov with violence if he did not let them in. The police were called and the intruders were arrested. The incident was under investigation at year's end.

The KGB, the MVD, and certain border guard detachments have the right to use wiretaps, but under the law must obtain a prosecutor's permission before installation. The prosecutor's office exercised no independence and therefore the "due process" provision regarding wiretaps is effectively meaningless. The Presidential Guard (or security service) formed in 1995, reportedly continued to conduct surveillance activities of the President's political opponents. There is no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly has thwarted attempts to exercise such oversight.

In 1999 the National Assembly revised the administrative offenses code to increase the penalties for those who obstruct KGB officers. For example, an article of the legislation prohibits preventing KGB officers from entering the premises of a company, establishment or organization, and for failing to allow audits or checks to be made, as well as for unjustified restriction or refusal to provide information, including access to company information systems and databases. This revised code remains in effect.

In 1997 the Ministry of Communications renegotiated contracts for supplying telephone service. The new contracts forbid subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the right to terminate telephone service to those who breach this provision.

Presidential Decree No. 218, issued in 1997, prohibits the import and export of printed, audio, and visual information that could "damage" the economic and political interests of the country (see Section 2.a.). This decree remains in effect.

On November 23, 1999, Lukashenko signed Decree No. 40, which allows the authorities to nationalize the property of any individual if the President determines that the individual has caused financial damage to the State. There were reports that this decree had been used, particularly against businessmen. Authorities also threatened to seize the property of former Central Bank Chair Tamara Vinnikova.

Section 2. Respect for Civil Liberties, Including:

a. **Freedom of Speech and Press.**—The Constitution provides for freedom of speech, as well as the freedom to receive, retain, and disseminate information; however, the regime restricts these rights in practice. The executive branch continued its suppression of freedom of speech. Despite the constitutional provisions, a 1998 government decree limited citizens' right to express their own opinions. Although independent media remain widely available in Minsk, as part of a continuing crackdown on opposition activity, the authorities stepped up its campaign of harassment against the independent media. The authorities continued to restrict severely the right to a free press through near-monopolies on the means of production of newsprint, means of distribution on national level broadcast media, such as television and radio, and by denying accreditation of journalists critical of the regime. The authorities also kept up economic pressure on the independent media by pressuring advertisers to withdraw advertisements, as well as by fines and other administrative harassment. Employees at some state-run enterprises are discouraged from subscribing to independent newspapers and journals.

In 1996 Lukashenko signed a decree ordering that all editors in chief of state-supported newspapers would henceforth be official state employees and would become members of the appropriate local level government council. Another decree granted the Ministry of Press the authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a means of payment for their schooling. These decrees remain in effect.

Presidential Decree No.5, issued in 1997, prohibits a range of broadly defined activities and limits freedom of expression. For example, the decree prohibits individuals from carrying placards or flags bearing emblems that are not registered officially with the state, as well as emblems, symbols, and posters "whose content is intended to harm the state and public order, rights and legal interests of the citizens." The decree also bans activities that are "humiliating to the dignity and honor of the executive persons of state bodies." This decree has been used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the red and white flag.

The Defamation Law makes no distinction between private and public persons for the purposes of lawsuits for defamation of character. A public figure who has been criticized for poor performance in office may ask the prosecutor to sue the newspaper that printed the criticism. In June 1998, the lower house of the National Assembly approved a bill that stipulated that public insults or libel against the President could be punished by up to 4 years in prison, 2 years in a labor camp, or a large fine. However, there were no reports that anyone was arrested or charged subsequently for this offense, and the bill apparently was devised principally as a means of intimidation. Its provisions remain in effect.

In 1997 the Council of Ministers issued a decree that prohibited and restricted the movement of certain goods across customs borders. The decree specifically prohibited the import and export of printed, audio, and video materials, or other news media containing information "that could damage the economic and political interests of the country." Some bulletins affiliated with the opposition published outside of the country appeared to be targeted by the decree. Although in previous years there were a number of incidents in which customs officials confiscated opposition materials at the country's borders, there were no recent reports of such incidents.

In January 1998, more stringent regulatory provisions, introduced by amendments to the Law on Press and Other Mass Media that were adopted by the Council of the Republic in December 1997, went into effect. The new regulatory provisions grant greater authority to the authorities to ban and censor critical reporting. For example, the State Committee on the Press was given authority to suspend for 3 months publication of periodicals or newspapers without a court ruling.

On December 17, 1999, Lukashenko signed new amendments to the law "On Press and Other Media." The amendments ban the media from disseminating information on behalf of political parties, trade unions, and NGO's that are not registered with the Ministry of Justice.

On April 7, a new presidential decree came into effect on "the Use by Legal Entities of the Name of the Republic of Belarus." The decree allows only legal entities specially authorized by the President to use the name of the country in its title. According to the decree and independent legal experts, the independent press is barred from using the country name in its titles.

Independent newspapers are available widely in Minsk, but outside of the capital most towns only carry local newspapers, only some of which are independent. On January 20, authorities forced the Orsha-based Filon Kmita Center to stop publishing its daily newspaper, Kutseyyna, after the paper was denied official registration. Kutseyyna was known for its critical reports on the Government. Despite re-

peated appeals from foreign and domestic human rights observers, the paper was not registered and did not reopen.

In February the editors in chief of the country's six largest independent newspapers sent an open letter to Prime Minister Uladzimir Yarmoshyn demanding the end to the discriminatory measures that the state uses against them. The letter noted that the state postal service recently raised distribution rates for independent papers by 400 to 600 percent, while the State-owned publications received distribution discounts. It also stated that the large increases undermine the freedom of the press.

On April 24, the Grodno City Executive Committee refused to register the independent newspaper Reporter, which often is critical of the authorities, on the grounds that the editors could not prove that they were occupying legal office spaces. Later, a second application for registration also was rejected by the City Executive Committee without further explanation. On August 25, it was reported that the city executive denied registration for a third time. In its rejection notice, the city executive reportedly stated that there was "a sufficiency of newspapers in Grodno and no need for another one."

On May 11, the Supreme Economic Court of Belarus rejected an appeal by the independent newspaper Nasha Niva of a warning issued by the State Press Committee in March. The newspaper was warned for publishing a reader's letter which the committee said expressed "intolerance toward the Russians" in violation of Article 5 of the Media Law, which bans the use of the media for inciting ethnic enmity or discord. The letter, entitled "I Envy Chechnya," was critical of Russian atrocities in Chechnya and supported the defense of Belarusian language and culture. On May 15, Nasha Niva was warned for a second time for publishing an article entitled "Infection of Fascism: Lukashenko is Copying Hitler" by Semyon Sharetsky, the 13th Supreme Soviet chairman currently in self-imposed exile in Lithuania. The warning reportedly was issued under Article 5 of the Media Law for the "inadmissibility of abusing the freedom of mass information." Article 16 of the media law states that a newspaper can be closed after receiving more than one warning within a year.

On May 29, two leading independent newspapers critical of the Government, Narodnaya Volya and Belaruskaya Delovaya Gazeta (BDG), received warnings for alleged "abuses of the freedom of mass information" under Article 5 of the Law on Media. The BDG was warned for publishing an article on February 22 by Semen Bukchin entitled "Prayer in a Birkenau Concentration Camp." The State Press Committee alleged that the article created "tensions in Polish-Jewish" relations. A second warning was issued to BDG for publishing a response to Bukchin's article, which "offended the citizens of the Russian Federation."

Narodnaya Volya was issued a warning for an article by Ivan Makalovich which contained the question "Should we Ask NATO for Help?" A second warning was issued for printing an article by Sergi Popkov, deputy head of the conservative Christian Party of the Belarusian Popular Front (CCP). According to the State Press Committee, the CCP was not registered with the Ministry of Justice, and therefore the article should not have been published.

On June 2, the Mogilev-based independent newspaper De Facto was issued a warning by the State Press Committee for publishing the same article by Semyon Sharetsky entitled "The Infection of Fascism: Lukashenko is Copying Hitler" that Nasha Niva was warned for in May. According to the State Press Committee, Sharetsky's article "incites ethnic hatred."

On September 5, authorities banned the first national nonstate press festival, scheduled to be held on September 8 and 9 in Vitebsk. No reason was given for the authorities' decision and festival organizers planned to reschedule the festival for late September in another city. The Belarusian Association of Journalists said the ban was part of a government effort to inhibit the work of the independent press.

On September 13, the office of the Magic publishing house was raided, and the owner and President Yuri Budzko was charged with "propagandizing an electoral boycott." The Magic publishing house is the printing press for the country's leading nonstate newspapers. During the raid, copies of the independent newspaper Rabochy were seized and its editor Viktor Ivashkevich was arrested. On October 11, Magic's bank accounts were frozen prior to a tax inspection. In September police seized 100,000 copies of a special edition of the Belorussian Free Trade Union newspaper Rabochy and arrested the newspaper's editor in chief Victor Ivashkevich, the newspaper's legal advisor Dmitry Kostyukevich, and Yuri Budko the owner of the Magic publishing house where the newspaper was being printed. The newspaper called on voters to boycott the October elections to the National Assembly. Ivashkevich and Kostyukevich were charged and later convicted and fined under Article 167 of the Administrative Code for publicly calling on an election boycott. The charges against Budko were dismissed by a separate court.

On October 16, tax authorities raided the offices of Magic and seized the company's printing equipment. In connection with the investigation and seizure, the company's bank accounts were frozen on October 11. The equipment originally had been leased by Magic from the Belarus-Soros Foundation (BSF) and then later from the open society institute, which received ownership of the equipment when the BSF ceased its operations in 1997. The tax authorities seized the equipment to cover fines owed by the BSF for alleged tax violations. On December 18, the Belarusian Supreme Economic Court upheld the seizure of the equipment. Most independent human rights monitors believe the authorities selectively enforced the law in this case to hinder the printing and distribution of independent media critical of the current authorities.

Independent journalists were frequently barred by government authorities from covering events or arrested in the course of doing so.

On March 1, officials of the presidential security service detained three journalists covering an unsanctioned opposition demonstration near Lukashenko's residence. The three journalists, reporters from Radio Liberty and the independent Belarusian news service Belapan and a Reuters photographer, were detained for several hours and later released.

On March 16, six journalists from the satirical journal Navinky were detained by plainclothes police after participating in the Freedom March II demonstration in Minsk (see section 2.b.). The journalists were held for several hours without explanation and released the following morning.

On March 25, in a violent crackdown on an opposition-organized rally to commemorate the 82nd anniversary of the Belarusian National Republic, 35 foreign and local independent journalists were beaten and detained. Journalists reported that they were not given an explanation as to why they were being detained, and, in some instances, the police used violent force to arrest the journalists. Journalists reportedly were searched, equipment was confiscated, and film exposed. The journalists were released later the same day.

On April 28, Yavor Mayorchyk, a freelance reporter for Radio Free Europe/Radio Liberty (RFE/RL) was summoned to a military enlistment office where he reportedly was interrogated by KGB officers for 90 minutes. The KGB officers reportedly threatened that if Mayorchuk did not cooperate with the KGB, "the same thing would happen as to Babitsky." The KGB officers were referring to RFE/RL journalist Andrei Babitsky, who was arrested by Russian authorities in Chechnya for his coverage of the war there, held captive for 40 days, and faced trumped up charges of treason.

On May 1, two independent journalists were arrested while covering an opposition demonstration in Mogilev. Igor Irkho, a journalist with the De Facto newspaper, reportedly was assaulted physically by the police and had his camera damaged. He and Alexander Alexandrovich, a reporter for the Belaruskaya Delovaya Gazeta, were detained for several hours by local militia before being released.

On May 2, five journalists from the Reporter newspaper gathered in Lenin Square in Grodno to protest the city government's refusal to register their paper. Minutes after gathering on the square, the journalists were arrested by local police and detained for several hours.

On October 20, tax authorities launched an investigation into the accounts of the independent newspaper De-Fakto. On November 20, De-Fakto was fined over \$1,770 (2 million rubles) for alleged unpaid taxes and fines. On October 25, the State Committee on Press issued a warning to the Belarusian Language Society for an article that appeared in its newspaper, Nasha Slova, by an unregistered organization, the Grodno Association of Democratic Veterans of War and Labor. On November 21, the State Committee on press issued a fourth warning to the independent newspaper Pahonya, based in Grodno, for publishing a statement by an unregistered organization, the Grodno initiative, an association of local opposition organizations. After two warnings, legal proceedings can be initiated to close a newspaper. Also, under the administrative code, publishing materials on behalf of unregistered organizations is punishable by a fine and, if repeated, by up to 15 days imprisonment. On November 15, the bank accounts of Novaya Gazeta, in the town of Smorgon, were blocked. Human rights monitors said these incidents were part of a government-wide pattern aimed at restricting the activities of independent press.

On December 12, police in Osipovichy, raided an apartment where Nikolai Tomashov, editor of the independent newspaper Panorama, and journalist Igor Simbirov were working on the next issue of the newspaper. Simbirov was beaten by police, a search was conducted and documents and a computer were seized. Simbirov and Tomashov were then taken to the procurator's office where they were charged with slandering government officials.

Until government authorities shut it down during 1996, Radio 101.2 had been the sole Belarusian-language independent station in the country. The Belarusian Patriotic Union of Youth, a government-subsidized presidential youth organization, was permitted to take control of Radio 101.2. An independent Belarusian-language crossborder radio station, Radio Ratsija, based in Poland, began operation during the year. However, in April the Foreign Ministry's special commission for accrediting foreign journalists refused to register four of the radio station's journalists based in Belarus.

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

On March 10, Yaraslaw Beklyamishchaw, director and host of the "Krok-2" talk show on B-TR, was dismissed from his position after inviting opponents of the Government to appear on his program. One of the guests on the program was Yuri Khashchavtski, producer of a documentary film about Lukashenko entitled "An Ordinary President." The official reason for his dismissal was "a flagrant violation of the rules of presentation of the program on the air and its noncompliance with the cue sheet." Beklyamishchaw sued B-TR for unlawful dismissal, and on June 14, B-TR agreed to an out-of-court settlement of the case. In March 1998, the Presidential Administration issued an internal directive entitled "On Strengthening Countermeasures Against Articles in the Opposition Press." The directive, which remains in effect, specifically lists 10 independent media organizations covered by these provisions and prohibits government officials from making comments or distributing documents to nonstate media. It also forbids state enterprises from advertising in nonstate media. Although the directive does not restrict directly independent media or impinge on the right of citizens to receive information, it does restrict government officials in speaking to the independent media and gives further advantages to the state press.

In July Dmitry Zavadsky, a cameraman for the Russian television network ORT, disappeared at the Minsk National Airport while waiting for Pavel Sheremet, another ORT journalist, to arrive from Moscow. When Sheremet arrived at the airport, Zavadsky was missing, but his car was found locked in the airport parking area. In 1997 Zavadsky and Sheremet were arrested by Belarusian authorities for crossing the Belarusian-Lithuanian border illegally while filming a documentary critical of the Lukashenko regime. In a politically motivated trial, Sheremet and Zavadsky were given 2-year and 18-month suspended sentences, respectively. Government authorities accused the opposition of organizing Zavadsky's disappearance, calling it a provocation, and later threatened Sheremet with potential charges of slander for an interview, published in the independent press, in which Sheremet blamed Lukashenko and Belarusian security services for Zavadsky's disappearance. A criminal investigation of the disappearance was opened, but no progress had been reported by year's end (see Section 1.b.).

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

In January the authorities and the state-run media began a campaign of harassment against poet and writer Vasil Bykov. Bykov, a leading proponent of "Glasnost" in the 1980's and a literary prize winner, recently had returned to the country after several years. According to the Belarusian Helsinki Committee, Bykov fled to Germany as a result of the harassment. On January 28, the OSCE representative on freedom of the media, Freimut Duve, wrote a letter to the Belarusian Minister of Foreign Affairs urging the Government to end its campaign of harassment against Bykov. In his letter, Duve said "today in Belarus we have favorable conditions for the return of the ideology that dominated during Soviet times."

On August 11, 1999, the international NGO Reporters sans Frontiers described the Government as an enemy of the Internet. A public statement issued by the organization noted that citizens were not free to explore the Internet independently. Al-

though there are several Internet service providers in the country, they are all state controlled. The Lukashenko regime's monopoly on Internet service results in high prices, poor quality, and limited service and allows for the monitoring of practically all e-mail. Although the authorities have full control, it does not appear to be cutting off access entirely, and those who do have access appear to be able to contact a full range of unfiltered web sites. A June survey by an independent polling organization found that less than 3 percent of the population has access to the Internet.

The Lukashenko regime restricts academic freedom. A sharply critical Human Rights Watch report released in July 1999 detailed government restrictions on academic freedom. The report noted that the authorities had suppressed research on controversial topics, recentralized academic decisionmaking, and maintained a ban on political activity on campuses. At the same time, a "systematic crackdown" on political dissent on campuses had targeted outspoken students and lecturers who were threatened with expulsion, often for their off-campus political activity. The report also asserted that state university authorities issued reprimands and warnings to politically active lecturers, independent historians, and other academics. It stated that university employees who challenge the status quo are told to curtail political activities or change the focus of their academic inquiry. University administrators target research into politically sensitive issues, such as the Belarusian independence movement during the Soviet era, a theme that is seen to challenge the State's policy of integration with Russia and is discouraged heavily.

In June four students of the Minsk State Linguistic University were prevented from taking final exams because they refused to become members of the Belarusian patriotic Youth Union, a pro-Lukashenko student association that has been connected to violent attacks on opposition activists in the past.

The Lukashenko regime continued to harass students engaged in antigovernment activities, such as demonstrations. Some students were expelled for their participation in demonstrations. In June the Belarusian State University initially rejected the graduation thesis of Pavel Severinets, the leader of the Malady Front, the youth branch of the Belarusian Popular Front. Severinets wrote and defended his thesis in the traditional version of the Belarusian language. After appeals from human rights groups, Severinets' dissertation was approved.

Over 30 university students, who were expelled for their participation in street demonstrations, were assisted in continuing their studies in the Czech Republic by private NGO's. Sergei Martselev and Nikolai Privarnikov were expelled from the international relations faculty of the Belarusian State University for their participation in demonstrations in 1999. Vadim Kinopatsky was expelled from the Belarusian Agro-Technical University, also for his participation in demonstrations in late 1999.

In 1997 the Council of Ministers issued a decree, effective as of the 1997-98 academic year, requiring students who receive free university education from the state to accept jobs assigned by the authorities upon graduation. Although it remains unclear how universally this decree is enforced, there were reports that graduates in the medical and teaching professions were required to accept government jobs upon graduation. On April 11 and 12, approximately 20 student activists from the National Association of Belarusian Students held a demonstration at the Minsk State Medical Institute to protest the assigning of graduates to jobs in areas contaminated by radiation from the Chernobyl disaster.

On September 8, the Ministry of Justice issued a second warning to the National Association of Belarusian Students (NABS) for using unregistered symbols. According to the Ministry, the color and size of the association's letterhead was incorrect. On March 23, the NABS was warned by the Ministry of Justice for using the word "Miensk," an older spelling of Minsk, in its documents. Two warnings in 1 year is sufficient for the authorities to initiate proceedings to close the organization down. The second warning was nullified by the Supreme Economic Court on September 22. Most human rights observers believe the warnings were part of a larger crackdown on independent NGO's (see Section 4).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Lukashenko regime severely restricts this right in practice. Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. The local government must respond with a decision not later than 5 days prior to the scheduled event.

Aleksandr Lukashenko issued Decree No. 5 in 1997 in part to regulate what he termed the "orgy" of street protests taking place. The decree further limits citizens' ability to assemble peacefully by restricting the locations where rallies may take place and allowing local authorities to put strict limits on the number of participants. The decree also prohibits the display of unregistered flags and symbols, as well as placards bearing messages deemed threatening to the State or public order

(see Section 2.a.). The decree, along with subsequent amendments adopted by the acting legislature, imposes severe penalties on those who violate the law, particularly the organizers of events. The decree allows for either monetary fines or detention for up to 15 days, but courts frequently impose high fines that those convicted cannot pay. When individuals fail to pay fines, authorities threaten to confiscate their property. The courts punished organizers of rallies with fines of several times the average monthly wage.

Public demonstrations occurred frequently in Minsk but were always under strict government control, including through open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts of the country but were less frequent especially in areas in the east close to the border with Russia. Following some sanctioned and unsanctioned demonstrations, police and other security officials continued to round up, beat, detain, and try to coerce confessions from some demonstration participants (see Sections 1.c. and 1.d.).

On January 18, Yawhen Asinski was sentenced to 2 years of corrective labor for participating in an opposition organized march on October 17, 1999. Asinski initially was charged with participating in group actions disturbing the peace, a charge punishable by up to 2 years in prison. That charge later was dismissed, and he was convicted of violent resistance to a police officer on duty when video evidence, displayed at the trial, showed that Asinski was not an active participant in the demonstration.

On February 3, police in Minsk arrested five participants in an unsanctioned demonstration near the Russian Embassy against Russian atrocities in Chechnya. On February 5 and 9, seven participants in unsanctioned demonstrations against the Chechnya conflict also were arrested. Philip Klikushin and Leonid Malakov, who were arrested on February 9, reported that they were beaten by police.

On March 1, three opposition activists were arrested by presidential security services while staging an unsanctioned demonstration near Lukashenko's residence on the anniversary of the arrest of Victor Gonchar (see Section 1.b.). As soon as the activists assembled, they were arrested along with three journalists covering the event (see Section 2.a.).

On March 17, an estimated 30,000 demonstrators participated in the Freedom March II. While security services maintained a strong presence, the event proceeded peacefully. However, Minsk schools and universities reportedly required students to be present at evening school events, apparently in an effort to prevent them from participating in the demonstrations. Following the demonstration, President Lukashenko spoke to reporters while visiting Brest on March 16 and said that "people holding a grudge" against the Government, such as "market speculators," dominated Freedom March II, which was billed as a youth demonstration against the Government. Following Lukashenko's remarks, the deputy chairman of the Minsk City Executive Committee said that organizers of the demonstration failed to keep their promise not to block traffic and banned all further street demonstrations in Minsk. While the ban only was enforced selectively, Minsk City authorities frequently denied permission for demonstrators to march in the city, except to a park on the outskirts of the city.

According to local human rights lawyers, more than 300 of some 700 demonstrators, including 35 journalists were arrested and prosecuted for their participation in the March 25 Day of Freedom March (see Section 1.c., 2.a., and 1.d.). All the detainees were forced into police vehicles and taken to an Interior Ministry facility in Minsk. Some were searched illegally, and they were not allowed to contact colleagues, family, or friends. Film shot by press photographers reportedly was confiscated and exposed.

On April 18, local authorities in Borisov banned an opposition-organized demonstration scheduled for April 25, to commemorate the 14th anniversary of the Chernobyl catastrophe. On April 20, the Minsk City Executive Council followed the Borisov City Council's decision and banned opposition organizations from staging demonstrations or marches in downtown Minsk on April 26, known as the Chernobylsky Shlyakh (Chernobyl path). On April 25, 1 day before the scheduled event, Minsk authorities reversed their decision and approved the march route from a park near the city center to a park on the outskirts of the city. Over 30,000 demonstrators participated in the march on April 26. According to the OSCE AMG, organizers of the march responsible for the sound equipment were detained for several hours following the conclusion of the demonstration.

Also on April 26, a small group of demonstrators remained at the park after the initiation of the march. According to the OSCE AMG, in an "unwarranted and superfluous show of force," special units of the militia conducted a "brutal raid" on the group in which five demonstrators were detained forcibly and violently. The demonstrators were later released. On April 27, opposition activist Yury Kuzmitsky was

sentenced to 5 days' imprisonment for his participation in the demonstration under charges of minor hooliganism. Denis Yeryomenko was convicted of "illegal use of flags, pennants, emblems, symbols or placards" for carrying a caricature of Lukashenko. On April 28, Sergei Terekhov was sentenced to 3 days' imprisonment for "speaking of the President in foul language" at the demonstration.

In Mogilev on April 26, over 100 demonstrators marched in an unsanctioned demonstration commemorating the Chernobyl disaster. Anatoly Fyodorov, the local leader of the Belarusian Popular Front, was arrested and charged with organizing an unsanctioned demonstration. On May 1, in Mogilev, dozens of opposition activists and 13 journalists were arrested when they attempted to stage a counter-demonstration to the officially sanctioned pro-Lukashenko rally held in the town square. Four organizers of the demonstration were later prosecuted for organizing an unsanctioned demonstration.

On April 28, the Minsk City Executive Committee banned all street demonstrations on May 1, Labor Day. The May 1 holiday has been a traditional day for pro- and antigovernment demonstrations. The opposition Social Democratic Party and the opposition Belarusian Party of Communists applied for permission to demonstrate in the center of Minsk but were denied. Later, the pro-Lukashenko Communist Party of Belarus, headed by the deputy head of the Minsk City Executive Committee, was given permission to hold a demonstration in the center of Minsk.

On May 7, the Minsk City Executive Committee banned a rally at victory square in the city center, organized by the opposition conservative Christian Party to commemorate the 55th anniversary of the victory over the Nazis. On May 10, the Minsk City Executive Committee banned the opposition Belarusian Social Democratic Party from holding poetry readings in Yanka Kupala Park in the city center.

On May 19, Dmitry Marchuk and Yan Grib, two opposition activists, were arrested while demonstrating outside the court house at the sentencing of former Prime Minister Mikhail Chigir. (see Section 1.e.). The demonstrators, who were chanting "freedom to Chigir," were charged with using foul language, detained for several hours, and later fined. On May 21, local activists from the Belarusian Social Democratic Party demonstrated on the central square in Borisov in support of former Prime Minister Chigir. Aleksandr Abramovich, Anton Telezhnikov, and Alesya Yasyuk were arrested by local militia and charged with organizing an unsanctioned demonstration. Abramovich was sentenced to 15 days' imprisonment, Telezhnikov to 10 days' imprisonment, and Yasyuk was issued a \$404 (390,000 rubles) fine (see Section 1.d.).

On May 30, opposition activists Alexei Balashov and Sergei Garstuk were detained by police for hanging a white-red-white flag with a black mourning strip on Lenin Square in downtown Brest in commemoration of the 53 people killed in a stampede in a Minsk metro station in 1999. The activists were detained for several hours and charged with violating the law on mass gatherings and assemblies.

On June 19, Aleksandr Abramovich again was sentenced to 12 days' imprisonment for staging an unsanctioned demonstration in Borisov on June 15, in which demonstrators chained themselves to a flagpole in front of the city government building and demanded the resignation of the city executive chairman.

On June 20, United Civic Party activists Vladimir Romanovsky, Galina Goncharik, Lyudmila Bozhok, and Aleksei Rodionov were arrested for holding an unsanctioned rally near the Minsk city government building to protest the city government's repeated banning of opposition demonstrations. Romanovsky later was fined \$400 (390,000 rubles) for organizing the rally. Deputy Chairman of the Minsk City Executive Committee, Viktor Chikin, warned the trio that UCP activists needed to apply for permission to hold such demonstrations and further warned there would be harsher punishment if they continued to violate the laws on assembly.

On July 10, Minsk city authorities banned an annual Catholic procession in the center of Minsk commemorating the feast of Corpus Christi. The march, which regularly attracted up to 5,000 participants, had been held annually since 1991. A second appeal by the organizers also was denied. The denial of the march was considered by many human rights observers to be part of a larger crackdown on non-Orthodox religious groups (see Section 2.c.).

On July 18, three activists of the Belarusian popular front were convicted by a court in Zaslavl, in the Minsk region, and issued warnings for "attempting to organize a meeting with the community" and for "violating street demonstration regulations" on July 4. On July 4, the activists were attempting to organize an unsanctioned rally when they were arrested by police. On July 27, activists of the Belarusian Social Democratic Party staged an unsanctioned protest in front of the Gomel regional executive committee offices against the establishment of a Fascist regime in Belarus. Yekaterina Gorovaya and Igor Romanov were arrested by local

police and sentenced to 5 and 7 days' imprisonment, respectively, for organizing an unsanctioned demonstration.

On August 3, Alekandr Abramovich and local activists of the Belarusian Social Democratic Party held a rally in the center of Borisov to protest authorities efforts to curb dissent and urge authorities to resume the supply of hot water in the city. Police arrested Abramovich and four others. Abramovich was sentenced to 15 days' imprisonment for organizing an unsanctioned protest. In the first 9 months of the year, Abramovich spent over 100 days in detention for allegedly violating regulations on assemblies and demonstrations.

On August 6, local authorities in the town of Byarza, in the Brest region, banned the local branch of the Belarusian Popular Front from holding a public meeting with town residents. Authorities in nearby Belaazyorsk also banned a similar meeting the following day.

On September 16, human rights and opposition activists staged a demonstration in Minsk on the anniversary of the disappearance of Victor Gonchar and Anatoly Krasovsky. The demonstration was banned by the city authorities. At the conclusion of the demonstration, plainclothes men and uniformed police beat and detained several participants, including journalists monitoring the event. Charges against the participants later were dropped.

Prior to the parliamentary elections on October 15, law enforcement authorities banned small and large demonstrations across the country advocating an election boycott and arrested and fined hundreds of activists promoting the boycott (see Section 3).

The Belarusian authorities increased harassment of homosexuals. On February 21, Minsk police raided and closed, without explanation, a disco club known as a meeting place for homosexuals. On September 7, Minsk city authorities banned a Gay Pride-2000 parade in downtown Minsk, scheduled for September 9. On September 7, Minsk authorities also closed another night club where festivities were being held to mark the opening of the Gay Pride-2000 weekend. In 1999 the Ministry of Justice denied registration to country's only lesbian and gay rights NGO.

Authorities provide for freedom of association; however, the authorities do not respect and severely restricts this right in practice. According to members of parties in opposition to the President, authorities frequently deny permission to opposition groups to meet in public buildings. Employees at state-run enterprises are discouraged from joining independent trade unions (see Section 6.a.). The authorities regularly harass members and supporters of opposition parties and confiscate leaflets and publications. Officials have warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

On January 26, 1999, Aleksandr Lukashenko issued Decree No. 2, requiring all political parties, trade unions, and nongovernmental organizations to reregister with authorities by July 1. Such public associations completed a lengthy reregistration process in 1995. The timing of the decree, which increased the scope of operations and number of members that organizations would need to demonstrate to qualify for reregistration, apparently was intended as a method of political intimidation at a time of increased opposition activity. On July 1, 1999, regulations that prohibited private organizations from using private residences as their legal addresses were announced. In view of government control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process.

After the reregistration process had begun, the authorities announced that organizations would have to alter their charters to indicate recognition of the 1996 Constitution and that the words "popular" or "national" could not be used in their titles. On December 17, 1999, an amendment to the Law on Public Associations went into effect that prohibits political and social organizations from using the words "Belarus," "Republic of Belarus," "national" or "popular" in their titles. Also in December 1999, Lukashenko signed into law a bill on amendments to the Administrative Offenses Code that would make any work on behalf of an unregistered NGO punishable by fines. Although most of the major political parties and unions that applied were allowed to reregister, according to the Assembly of Belarusian Prodemocratic NGO's, only 1,268, or 57 percent of the NGO's in existence when the reregistration law went into effect were reregistered by the summer of 2000. A total of 202 NGO's were rejected by the Ministry of Justice for reregistration on various grounds, and 31 were still in the process of reregistering at year's end.

On April 11, the Gomel regional court ordered a local association for the unemployed, founded in 1992 by human rights monitor Yevgeny Murashko, to be closed for failure to comply with the January 1999 decree on NGO reregistration. On May 16, Malady Front, the youth wing of the Belarusian Popular Front, applied for registration under the new legislation. On August 17, the Ministry of Justice notified

the Malady Front that its application was still "under consideration," the application later was rejected.

On July 17, the Francisak Skaryna Belarusian language society (BLS) was issued a warning by the Ministry of Justice under Article 28 of the Law on Public Associations for misuse of the organization's seal.

On July 19, the opposition United Civic Party received two written warnings from the Ministry of Justice also for misuse of blank forms and seals. One warning was issued because the party's e-mail address was printed too close to the seal on the party's letterhead. A third warning was issued on July 31 to the party for allegedly illegally establishing a party cell at a chemical factory. By September the party had been issued a total of five warnings. Although two warnings are sufficient for the Justice Ministry to close an organization, the warnings appeared to be attempts to intimidate and harass opposition political organizations, and no attempts had been made to close the organizations as a result of these warnings.

Authorities continued to attempt to limit severely the activities of NGO's (see Section 4).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the authorities restrict this right in practice. Although Article 16 of the 1996 amended Constitution, which resulted from an illegal referendum, reaffirms the equality of religions and denominations before the law, it also contains restrictive language that stipulates that cooperation between the State and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

Since his election as the country's president in July 1994, Lukashenko has pursued a policy of favoring the Orthodox Church as the country's chief religion and harassing other non-Orthodox religions. Lukashenko and the authorities encourage a greater role for the Orthodox Church. The President grants the Orthodox Church special financial advantages that other denominations do not enjoy and has declared the preservation and development of Orthodox Christianity a "moral necessity." On April 30, Lukashenko said on state radio that "nobody will disturb our Orthodoxy" and pledged that the State "will do everything for the Church to be a pillar of support for our State in the future." In December 1999, Lukashenko said that politicians and the Head of State bear responsibility for preserving Christian values, for maintaining religious peace in society, and for harmonious cooperation between the State and the Church. Lukashenko also said that the Church should be more active in promoting the unity of Slavic nations because Slavic integration is in the interests of both the State and the Church. In 1998 Lukashenko pledged state assistance to the Orthodox Church and stressed that Orthodoxy would remain the "main religion."

The State Committee on Religious and National Affairs (SCRNA), which was established in 1997, categorizes religions and denominations. Some are viewed as "traditional," including Russian Orthodoxy, Roman Catholicism, Judaism, and Islam (as practiced by a small community of ethnic Tatars with roots in the country dating back to the 11th century); some are viewed as "nontraditional," including some Protestant and other faiths; and some are viewed as "sects," including Eastern religions and other faiths. The authorities deny permission to register legally at the national level to some faiths considered to be nontraditional and to all considered to be sects. Without registration it is extremely difficult to rent or purchase property in order to hold religious services.

The authorities deny some minority religious faiths permission to register officially and treats them as sects. In 1998 SCRNA official Vyacheslav Savitskiy announced that "11 destructive religious organizations, which have been denied registration after expert examination, illegally function in the country." In April 1999, a conference organized by the Orthodox Church and the National Assembly discussed the need to introduce legislation to combat "destructive sects" that operate illegally in the country. More recently the authorities continued to deny repeated attempts by the Belarusian Orthodox Autocephalous Church (BOAC) to register. Following a raid by local police on a private house where a prayer service was being held, Ivan Spasyuk, a BOAC priest, went on a hunger strike on November 7, 1999, in order to protest the authorities' refusal to register his parish in the Grodno region. On November 28, 1999, at the urging of his family and parishioners, Spasyuk called off the hunger strike. Local courts so far have refused to hear appeals made by the BOAC to overturn the Lukashenko regime's decision not to register their churches. Because of ongoing registration problems, including the inability to register a seminary, the BOAC is unable to train a sufficient number of priests to meet the growing needs of its parishioners.

A number of Protestant faiths confront a situation in which they are refused registration because they do not have a legal address and are refused property that

could qualify as a legal address because they are not registered. The Full Gospel Pentecostal churches regularly are refused registration in this way. Article 272 of the Civil Code states that property may only be used for religious services once it has been converted from residential use. However, the authorities decline to permit such conversion to unregistered religions. Religious groups that can not register often are forced to meet illegally or in the homes of individual members. Several charismatic and Pentecostal churches have been evicted from property they were renting because they were not registered as religious organizations. A number of nontraditional Protestant and other faiths have not attempted to register because they do not believe that their applications would be approved. The publication of religious literature for unregistered religions likely would be restricted in practice, especially at state-controlled publishing houses. However, there were no reports of restrictions on the importation of religious literature. State employees are not required to take any kind of religious oath or practice elements of a particular faith. However, the practice of a faith not viewed to be traditional, especially one not permitted to register, could disadvantage possible advancement within the bureaucracy or state sector.

Citizens are not prohibited from proselytizing; however, the authorities enforce a July 1995 Council of Ministers decree that controls religious workers in an attempt to protect Orthodoxy and prevent the growth of evangelical religions. A 1997 Council of Ministers directive prohibits teaching religion at youth camps. In February 1999, the Council of Ministers passed Decree No. 280 which expanded upon these earlier regulations. The decree appears to stipulate, among other things, that among foreign religious workers, only male clergy may engage in religious work upon invitation from a religious organization already officially registered, a provision that could be invoked to prohibit female religious clergy, such as Catholic nuns, from engaging in religious activity. However, this provision has not been tested in the courts.

During the year, the authorities stepped up its efforts to curb the role of foreign clergy. In April the Council of Ministers introduced changes to its regulations, that allow internal affairs agencies to expel foreign clergymen from the country by not extending their registration or by denying them a temporary stay permit. Under the new regulations, these authorities are allowed to make decisions on expulsion on their own or based on recommendations from religious affairs councils, regional executive committees, or from the religious affairs department of the Minsk City Executive Committee. Appeals to judicial bodies are not provided for.

As part of efforts to curb the influence of foreign clergy, on March 18, two law enforcement officials entered the Roman Catholic church of the Exaltation of the Holy Cross in Brest, during a church service, and arrested Catholic Priest Zbigniew Karolak, a Polish citizen, for allegedly violating visa regulations and charged that his religious work was "illegal." Regional government officials had criticized publicly Karolak for his "undermining views." In addition a court in Brest issued warnings to four supporters of Karolak for staging an unauthorized demonstration following the priest's arrest. Karolak departed the country in June, following warnings from authorities that he would be removed by force if he did not depart the country. Subsequent to Karolak's departure, a Brest regional court in November overturned the legality of the deportation order and a police order barring Karoljack from entering the country for 10 years. In February the Belarusian pastor of a Pentecostal church was warned by SCRNA authorities that a public sermon was performed in his church by a citizen of Ukraine in violation of the law on religion and that a future violation of the law would lead to a revocation of his church's registration.

Foreigners generally are prohibited from preaching or heading churches, at least with respect to what the authorities view as nontraditional faiths or sects, which include Protestant groups. Foreign missionaries may not engage in religious activities outside the institutions that invited them. One-year validity, multiple-entry, "spiritual activities" visas, which are required officially of foreign missionaries, can be difficult to get, even for faiths that registered with the authorities and have a long history in the country. Foreign clergy or religious workers who do not register with the authorities or who have tried to preach without government approval or without an invitation from, and the permission of, a registered religious organization, have been expelled from the country. Approval often involves a difficult bureaucratic process.

Officially sanctioned newspaper attacks on minority faiths increased. For example, on April 19, the *Narodnaya Gazetta*, a state-owned and published newspaper, carried an article with the headline "The Prospect Looms for Belarus to Become a Protestant Republic, or We are Incessantly Being Urged to Deny the Faith of our Ancestors." The article stated that Protestant groups engage in fanatical rituals, including the ritual use of human blood and human sacrifice. The article claimed that

Protestant groups present a threat to the country and urged the Government to take steps to protect Orthodoxy. In a similar article in January, state-owned *Narodnaya Gazetta* criticized the leader of the BOAC, Ivan Spasyuk, accusing him of criminal activities and characterized the church as the “spiritual followers of Hitler.” Attacks on Protestant faiths have also appeared on state-owned television. In November and December, a documentary entitled “Expansion” was aired on state television, which alleged that Protestant community carried out fanatical rituals. Protestant pastors appealed to the courts to stop the television programs, but they were denied.

Societal anti-Semitism persists, and the Lukashenko regime has done little to counter the spread of anti-Semitic literature. In January the World Association of Belarusian Jewry and the Human Rights Center stated that Lukashenka was anti-Semitic and said that the government had refused to establish Jewish schools, help maintain Jewish cemeteries and historic monuments, or create memorials to Belarusian Holocaust victims. In May the Minsk city court refused to hear an appeal brought by Jewish organizations to stop the publishing and sale of the book “War According to Mean Laws,” published by the Orthodox printing house, which, among other anti-Semitic writings, included the “Protocols of the Elders of Zion” and blamed Jews for societal and economic problems in the country (see Section 5). There has been a noticeable lack of government action in redressing instances of anti-Semitic vandalism in previous years. In April tax inspectors prohibited the central synagogue in Minsk from distributing Matzoh for Passover among members of the Jewish community. The tax inspectors reported that the synagogue would need to obtain a special license, register as a taxpayer, and open a store that would meet certain additional requirements, thereby effectively making distribution during the Passover celebration impossible.

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

In June 1999, the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a “propiska” (pass) or the compulsory registration of their residence address. Under article 182 of the Administrative Code, employers faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, it remains unclear to what extent this court decision actually has affected local security officials. In practice the right to choose one’s residence remains restricted. In November 1999, the Ministry of Internal Affairs announced a three-stage program to replace the “propiska” system, but there were no reports that this program was implemented.

Official regulations on entry and exit require citizens who wish to travel abroad to receive first a “global” exit visa in their passport, valid for between 1 and 5 years. Once the traveler has these documents, the law does not restrict travel. The authorities have delayed issuing “global” exit visas to some opposition activists in an effort to hinder their political activity abroad.

Following the dissolution of the Supreme Soviet in 1996, the Lukashenko regime took measures aimed at limiting the travel of opposition politicians who refused to submit to the legislature created by the November 1996 referendum. Parliamentarians who did not join the new legislature could no longer travel on their diplomatic passports, despite the fact that these individuals had been assured that they would retain their status as deputies until their terms of office expired. Although their diplomatic passports were not confiscated, the border guards reportedly had a blacklist of opposition members who were to be denied exit from the country if they used a diplomatic passport. Subsequent to the 1997 refusal by border guards to allow former Supreme Soviet Chairman Stanislav Shushkevich and Parliamentary Deputy Anatoly Lebdeko to travel abroad on their diplomatic passports, a number of members of the former Supreme Soviet have either acquired regular passports and have been allowed to travel abroad or have departed from Russia using their Belarusian diplomatic passports. The Government has delayed issuing passports to several opposition politicians, sometimes for several months, in an effort to restrict their travel abroad for political activities.

According to official data, the State did not deny any citizen permission to emigrate. However, legislation restricting emigration by those with access to “state secrets” remained in effect, and any citizen involved in a criminal investigation also

was ineligible to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The Constitution gives aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. The Constitution also allows the state to grant refugee status to persons who were being persecuted in other states for their political and religious convictions, or because of nationality. There is no law on first asylum, nor has it signed readmission agreements with any of its neighboring states.

The authorities cooperate with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 1997 the authorities implemented for the first time the 1995 law on refugees, granting refugee status to a group of Afghans. The UNHCR reported that throughout the year, 169 applications were submitted for refugee status and 219 applications were rejected at the registration stage. The Deputy Minister of Labour told journalists in July that 2,000 aliens applied for refugee status in Belarus since 1997 and 385 applications were approved. Of the 385 applicants 294 were from Afghanistan. The Ministry reported that illegal aliens in the country were estimated to number between 150,000 and 200,000 during the year.

The UNHCR noted in its July report that the Minsk city and Minsk region migration services regularly refuse to accept illegally arriving new refugee applicants and instruct such persons to apply with migration authorities in other regions. Regional migration services also continued to deny registration of refugee applications for refugee status of those asylum seekers who came through countries considered as safe (mainly Russia).

The UNHCR had no reports of any case of bona fide refugees being forced to return to countries in which they feared persecution.

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

The Lukashenko regime severely limits the rights of citizens to change their government. In October parliamentary elections occurred for the first time since the disputed referendum of 1996. The elections followed a year of intense domestic and international activity that sought to create conditions for democratic elections. According to OSCE/ODIHR, these elections failed to meet international standards for democratic elections. In particular the elections fell far short of meeting the minimum commitments for free, fair, equal, accountable, and transparent elections. Despite some minor improvements since previous elections, the process remained seriously flawed.

In the October election, 769 candidates were nominated for the 110 seats. Of the 769, 551 were eventually registered by the District Election Commissions (DEC's). The Government severely restricted public participation on the electoral commissions. The Central Election Commission (CEC) accepted 23 more, who appealed their initial rejection by the DEC's and the Supreme Court accepted the appeals of 5 individuals who were rejected by the CEC. A total of 578 candidates ultimately registered, 11 later withdrew, and one had his registration cancelled. Candidate registration procedures were abused systematically to prevent undesirable candidates, especially those opposed to the regime. Campaign activities were regulated excessively and heavily biased state-controlled media severely limited candidates access to the media and voter choice. Political coverage during the election period in both the electronic and print media was dominated by the president and executive branch. During the election, provisions for early voting, mobile ballot boxes, vote counting and the aggregation of results fell far short of minimum transparency requirements for independent verification. There were widespread reports of citizens employed in state enterprises, students and teachers, and those in the military being forced to vote or risk losing their position. Voter turnout in many constituencies fell below the required 50 percent threshold, but electoral authorities falsified and amended voter lists to raise turnout to the required minimum.

Numerous rallies and boycotts were held throughout the campaign; some were peaceful, and others were disrupted by government authorities (see Section 2.b.). During the election campaign, coverage of politics, including the election was very limited. Political coverage in both the electronic and print media was dominated by the President and executive branch.

The possibilities of electoral choice had been limited severely by earlier changes promulgated by Lukashenko in the country's initially democratic constitution. In November 1996, the executive branch conducted a controversial constitutional referendum that was neither free nor fair, according to credible international observers, including representatives of the European Union and the OSCE. Many members of Parliament and of the Constitutional Court actively opposed Lukashenko's

proposals for both substantive and procedural reasons. The justices asserted that the referendum gave Lukashenko control over the legislative and judicial branches of Government and extended his term in office. They also criticized it on procedural grounds as an unconstitutional means to eliminate the Constitution's checks and balances and grant the President virtually unlimited powers.

In the period leading up to the referendum, opponents of Lukashenko's proposals were denied access to the media, election officials failed to record the names of early voters, and no texts of the proposed Constitution were made available to voters until several days after citizens began voting. As a result of these irregularities, the head of the Central Election Commission (CEC) announced prior to the event that he would not be able to certify the results of the referendum. Lukashenko promptly fired him, although the Constitution in force at the time gave the Parliament the exclusive authority to appoint and dismiss the CEC chairman. Members of the security forces forcibly removed the head of the CEC from his office. Shortly thereafter Prime Minister Mikhail Chigir resigned in protest at Lukashenko's refusal to cancel the widely criticized referendum.

Most members of the international community chose not to send election monitors to observe the referendum because of the illegitimacy of the entire process. International human rights organizations protested the conduct of the referendum.

The Constitutional Court formally ruled that the issues posed in Lukashenko's referendum could not be decided legally through a referendum and that its results should be purely advisory, consistent with the Constitution. However, after winning the referendum—according to the authorities' own official count—Lukashenko began to implement it immediately. The new Constitution established a bicameral legislature. Its 110 member house was formed out of the membership of the existing Supreme Soviet; deputies volunteered or were lured by promises of free housing and other benefits to serve in the body. The 64-member upper house was created by a combination of presidential appointments and elections by the 6 regional or oblast councils and the Minsk city council. The transition left 86 electoral districts underrepresented because the new Constitution reduced the number of representatives, and also because a full Supreme Soviet had never been seated, largely due to the executive branch's restrictive intervention in the 1995 parliamentary elections.

On August 31, 1999, legislative amendments to the 1996 Referendum Law, which the OSCE AMG declared were not in accordance with international standards, came into force. The amended law provides that referendums may be initiated by the President, the President's National Assembly, or 450,000 signatories of a petition—including a minimum of 30,000 in the City of Minsk and in each of the country's six oblasts. The law makes 10 percent of all signatures subject to verification, and all signatures may be invalidated if the commission finds just 1 percent (4,500 signatures) to be faulty. It also gave the President the prerogative to decide on the validity of referendum results.

Women are underrepresented in government and politics, although there are no legal restrictions on their participation. With the exception of the judiciary, social barriers to women are strong, and men hold virtually all of the leadership positions. In the legislature, women held 10 of 97 seats in the lower house and 19 of 62 in the upper house. The deputy chair of the upper house is a woman. The Minister of Social Security is the only female member of the Council of Ministers. The head of the Government's Central Election Commission also is a woman.

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

Several domestic human rights groups are active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations. It also attempted to limit severely the activities of NGOs through a time consuming reregistration process, denial of registration, questionable tax audits, and other means (see Section 2.b.).

On May 20, the Minsk office of the Association for Legal Assistance to the Population, a local NGO providing legal assistance to opposition activists and the families of persons who have disappeared, was robbed under suspicious circumstances. Computers with files related to the investigation of the disappearance of former Interior Minister Yury Zakharenko, among other items, were stolen (see Section 1.b.). Most human rights observers believed that the robbery was perpetrated by members of the security services. On May 29, in a similar incident, the offices of the Human Rights Center, headed by human rights lawyer Vera Stremkovskaya, was burglarized, and files of human rights violations stolen. There were no reports that authorities made credible efforts to investigate these incidents.

On August 26, the Ministry of Justice issued a warning to the Human Rights Center for using unregistered symbols. It issued similar warnings to other influential local human rights organizations, including Viasna (Spring), the Belarusian Helsinki Committee, and Charter '97. On August 27, the Youth Organization Civic Forum was issued a warning for printing an article about poor living conditions at university dormitories in its newspaper. Civic Forum previously was issued two warnings for misuse of symbols. These warnings were part of an overall effort by authorities to hinder the work of human rights organizations critical of the Lukashenko regime.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general the authorities have been willing to discuss human rights with international NGO's whose members have been allowed to visit the country; however, the authorities have increased its harassment of international NGO's working in the country. One way in which the authorities regularly harassed NGO's was through taxes. In February the International Research and Exchanges Board (IREX) Pro Media office, an international NGO working on freedom of media issues, reported a pattern of harassment from the tax police, involving independent media outlets with which it was working: Some organizations working with IREX/Pro Media were fined or had their bank accounts frozen. Tax authorities have seized the Foundation's Magic Printing Press as well (see Section 2.a.).

On May 31, an employee of the Belarus office of a Western legal NGO foiled an attempted burglary of its Minsk office. When asked to provide identification, one of the three burglars claimed that they represented official law enforcement agencies. Although the local police were contacted, they refused to provide assistance, and no further investigation into the incident was made by the authorities. The NGO believes the burglary attempt was connected to their efforts to advise and support human rights and rule of law projects. In 1998 after protracted negotiations, the authorities approved the opening in Minsk of the OSCE's AMG office. Although the authorities often have disregarded OSCE intervention on human rights cases and its advice on draft legislation, the OSCE's presence in Minsk provides a potentially important forum for dialog on these issues. In September 1999, through OSCE-brokered meetings initiated by the OSCE Parliamentary Assembly's Belarus ad hoc committee Chairman Adrian Severin, government and opposition representatives began a dialog to try to resolve the country's ongoing constitutional and political crisis. By the end of 1999, the process had been brought to a standstill and in February 1999 the Lukashenko regime withdrew from the dialog and created a sham sociopolitical dialog with handpicked proregime NGO's. The new dialog likewise did not produce any results. On March 25, while observing an opposition demonstration in Minsk (see Section 2.b.), an officer of the OSCE AMG was arrested forcibly and detained for several hours, despite the fact that he clearly identified himself as a diplomatic observer and claimed diplomatic immunity.

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

The Constitution states that all citizens are equal before the law and have the right, without any discrimination, to equal protection of their rights and legitimate interests. However, the Constitution does not prohibit specifically discrimination based on factors such as race, sex, or religion. The Law on Citizenship, grants citizenship to any person living permanently on the territory of the country as of October 19, 1991. Those who arrived in the country after that date and wish to become citizens are required to submit an application for citizenship, take an oath to support the Constitution, have a legal source of income, and have lived in the country for 7 years.

Women.—Although statistics are not available, domestic violence, including spousal abuse against women, is a significant problem, according to women's groups. However, spousal abuse is punishable under the Criminal and Administrative Codes.

Non-severe beating is punishable by a fine or up to 15 days imprisonment. More serious offenses are punishable under the Criminal Code by up to 15 years in jail. Women's groups indicate that police generally are not hesitant to enforce the laws against domestic violence, and that the courts are not reluctant to impose sentences. The main problem is a general reluctance among women to report instances of domestic violence. Violence against women was not the subject of extensive media coverage, marches, or demonstrations during the year.

Although the authorities and local human rights observers report that prostitution does not yet appear to be a significant problem in the country, there is much anecdotal evidence that it is growing. Local street prostitution appears to be grow-

ing as the economy deteriorates, and prostitution rings operate in state-owned hotels. Young women seeking to work or travel abroad also are vulnerable to sexual exploitation. The Ministry of Internal Affairs claims that very few women are deported back to the country for engaging in prostitution; however, it acknowledges that Russian criminal organizations may actively try to recruit and lure Belarusian women into serving as prostitutes in Western Europe and the Middle East. Trafficking in women is a growing problem (see Section 6.f.).

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

The law requires equal wages for equal work; however, such is not always the case in practice. Women have significantly fewer opportunities for advancement to the upper ranks of management. Women report that managers frequently take into consideration whether a woman has children when considering potential job candidates. At a roundtable on April 20 on "The Problem of the Trade in Women in Belarus," it was reported that the average length of unemployment for women was 18.4 months versus 5 months for men. In 1999 the Government reported that approximately 64 percent of those considered to be long-term unemployed are single mothers.

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

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

Children.—The authorities are committed to children's welfare and health, particularly as related to consequences of the nuclear accident at Chernobyl, and, with the help of foreign donors, tried to give them special attention. By law everyone is entitled to health care, including children. There does not appear to be any difference in the treatment of girls and boys. Children begin school at the age of 6 and are required to complete 9 years, although the authorities make 11 years of education available at no cost and began to develop a 12-year education program. Higher education also is available at no cost on a competitive basis. Families with children receive token government benefits, such as discounted transportation. According to a 1999 World Bank study, the majority of those living in poverty are families with multiple children or single mothers.

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

There does not appear to be a societal pattern of abuse of children.

People with Disabilities.—A 1992 law mandates accessibility to transport, residences, businesses, and offices for the disabled; however, facilities, including transport and office buildings, often are not accessible to the disabled. The country's continued difficult financial condition makes it especially difficult for local governments to budget sufficient funds to implement the 1992 law. The central authorities continue to provide some minimal subsidies to the disabled. However, continued high inflation and sharp decline in the value of the ruble greatly reduced the real worth of those limited subsidies.

Religious Minorities.—Societal anti-Semitism exists but usually is not manifested openly, although antiminority faith sentiments are rising (see Section 2.a.). In the past, Lukashenko and other officials have used coded anti-Semitic language in their attacks on perceived opponents.

No arrests were reported in the April 1999 arson attack on the synagogue in Minsk or in a number of cases of desecration of Jewish cemeteries in 1997 and 1998. Some instances of vandalism appeared to be related to anti-Semitism. On May 11, the Minsk city court upheld the dismissal by an inferior court of a suit filed by Jewish organizations and individuals against the authors and publishers of the book "The War According to Mean Laws." The book published by the Orthodox Initiative

and distributed in Orthodox bookstores, includes the "Protocols of the Elders of Zion" and other anti-Semitic articles and blames Belarusian Jews for social and economic problems in the country. A Minsk district court ruled in March that the book contained "scientific information" and dismissed the suit. The Union of Belarusian Jewish Associations and Communities and the World Association of Belarusian Jews, both of which joined in the suit, consider the book anti-Semitic and punishable under the Criminal Code for inciting religious and ethnic hatred (see Section 2.c.). On December 27, unidentified assailants threw firebombs at a synagogue in Minsk. A security guard was able to extinguish the fire before serious damage occurred. No progress has been reported on the incident.

Action by the authorities has been noticeably lacking in redressing instances of anti-Semitic vandalism in previous years. According to the Anti-Defamation League and the World Jewish Congress, a number of small, ultra-nationalist organizations operate on the fringes of society, and a number of newspapers regularly print anti-Semitic material. One of these newspapers, *Slavianskaia Gazeta*, although distributed locally, reportedly was published in Moscow. Anti-Semitic material from Russia also circulates widely.

Many persons in the Jewish community remain concerned that the Lukashenko regime plans to promote greater unity with Russia may be accompanied by political appeals to groups in Russia that tolerate or promote anti-Semitism. Lukashenko's calls for "Slavic solidarity" are well received and supported by anti-Semitic, neo-Fascist organizations in Russia. For example, the organization, Russian National Unity, has an active local branch. Its literature is distributed in public places in Minsk. The concept of a "greater Slavic union," the leadership of which Lukashenko seeks, is a source of concern to the Jewish community given the nature of support that it engenders.

The country's small Muslim community, with roots in the country dating to the Middle Ages, does not report significant societal prejudice. However, on August 9, 1999, the Slonim mosque—the first mosque to open in the country during the last 60 years—was vandalized just prior to the holding of a Tatar youth convention in the city. There are no further developments on the investigation of the incident.

Section 6. Worker Rights

a. The Right of Association.—The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights, including the right to strike; however, these rights are not respected in practice. The independent trade union movement still is in its infancy. The Belarusian Free Trade Union (BFTU) was established in 1991 and registered in 1992. Following the 1995 Minsk metro workers strike, the President suspended its activities. In 1996 BFTU leaders formed a new umbrella organization, the Belarusian Congress of Democratic Trade Unions (BCDTU), which encompasses 4 leading independent trade unions and is reported to have approximately 15,000 members.

The authorities have taken numerous measures to suppress independent trade unions. Members of independent trade unions, were arrested for distributing union literature, had union material confiscated, were denied access to work sites, were subjected to excessive fines, and were pressured by their managers and state security services to resign from their jobs because of trade union activities. Although the BFTU later was registered, its local unions were denied registration by local authorities in many towns, including Bobruisk, Grodno, Mogilev, and Orsha among others. In the Brest Oblast, only 5 of 12 local unions of the BFTU were registered by June, and in numerous instances union activists and members were fired, without cause, for their union activities.

On January 26, 1999, Lukashenko signed Decree No. 2 "On certain Measures to Improve the Activities of Political Parties, Trade Unions, and Other Public Associations Activities," which among other requirements, requires trade unions to have a minimum of 10 percent of the workers of an enterprise in order to form and register a local union. The Decree also obliged existing registered unions to reregister and meet the new requirements. Free trade union leaders reported that this decree has had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions have been denied registration under this decree.

In February the management of the Mogilev Automobile Factory (MAZ) unilaterally suspended its collective bargaining agreement with the local union of the BFTU, evicted the organization from its office, and confiscated office equipment. Several BFTU activists were dismissed by MAZ management in connection with their union activities.

The authorities continue to discourage employees at state-run enterprises from joining independent trade unions. In July 1999, Lukashenko signed Decree No. 29 on "Tightening Labor Discipline." The decree, which has as one of its aims the placement of all workers on individual rather than collective contracts, was criticized heavily by both independent and official union leaders, who believe that it was designed principally to enable the Presidential Administration to increase its control over the labor sector.

The Official Federation of Trade Unions of Belarus (FTUB), formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consists of approximately 4.5 million workers (including retirees) and is by far the largest trade union organization. According to official union federation figures, 92 percent of the workforce is unionized. Although wary in the past of challenging the regime seriously, some FTUB leaders have become increasingly vocal in their criticism of the policies of the Lukashenko regime. In retaliation the Government has subjected some FTUB officials to threats and harassment.

On July 20, the Presidential Administration released a statement condemning "attempts by some union leaders to thrust a groundless thesis that the Government violates unions' rights upon Belarusian public opinion and the international community." The statement accused unions of engaging in "political activities . . . which cause direct damage to the labor movement and aggravates the socioeconomic problems of society." In a July 27 speech to an agriculture conference, Lukashenko criticized the trade unions, the FTUB, and FTUB President Goncharik personally, for a "lack of constructive activity" and blamed them for the loss of trade privileges with another country. On July 31, as part of the authorities' campaign of harassment of the FTUB, FTUB bank accounts were frozen following an unexplained investigation of the union's records by the state committee for financial investigations. FTUB accounts were frozen again on September 28 by tax authorities conducting an unspecified investigation. The account later was released. In an October 11 speech to the FTUB Congress, Prime Minister Yermoshyn told trade union leaders to "stop agitating people and get to work" and accused the FTUB of engaging in politics rather than focusing on the needs of workers.

During the year, members of the Independent Trade Union of Belarus faced continual pressure at their workplace to join state unions or lose their jobs. Typically members of the Union smuggled copies of the newspaper *Rabochi* into their workplace under their clothing. On December 16, police detained 7 members of the Interdependent Trade Union of Steel Workers and confiscated 3,000 copies of *Rabochi* outside the entrance to the Minsk Automobile Plant.

On September 14, FTUB members reportedly were pressured by the management of Dzerzhinsky, a subsidiary of the state-owned electronics manufacturer Integral, to break with their union and join a management-established and -run union. The FTUB reported that union members at other Integral plants have been similarly threatened. Under reported pressure from management and government authorities, employees at Tsvetotron, a state electrical equipment factory, voted to quit the union of electrical workers, a member of the FTUB.

Tight control by the Lukashenko regime over public demonstrations (see Section 1.d. and 2.b.) makes it difficult for unions to strike or to hold public rallies to further their objectives. For example, a demonstration planned for November 15, organized by workers of the Minsk Tractor Works and the Minsk Engine Works to protest low pay and wage arrears was banned. Other demonstrations similarly were banned throughout the year. A strike organized by market vendors and entrepreneurs in February against new tax regulations, although ultimately successful, was marred by numerous arrests, confiscation of union literature, and anti-strike pressure from local officials. Market vendors staged a similar strike on November 23. Union members sometimes undertook work stoppages, usually in response to late payment of wages.

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

b. The Right to Organize and Bargain Collectively.—Legislation dating from the Soviet era provides for the right to organize and bargain collectively. Some analysts believe that the presidential decree on labor discipline (see Section 6.a.), which aims at placing all workers on individual rather than collective contracts, could significantly threaten the principle of collective bargaining. Since the economy still is largely in the hands of the State, unions usually seek political redress for the economic problems. Workers and independent unions have recourse to the court system. The authorities and state-owned enterprises have hindered the ability of work-

ers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements (see Section 6.a.).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on the state of emergency or martial law; however, there were some reports of forced labor. For example, on July 12, town authorities in Ivatsevichy, in the Brest region, sent letters to local industrial enterprises and state institutions ordering them to increase the "voluntary" participation of their employees in harvesting of livestock fodder by 20 percent. Workers who refused to "volunteer" for the harvest were ordered to pay a fine of \$5 (5,000 rubles) or approximately 15 percent of their average monthly salary. The order had the effect of forcing local individuals to work in the fodder harvest. The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified. With the possible exception of juvenile prisoners, forced and bonded labor by children is not known to occur.

d. State of Child Labor Practices and Minimum Age for Employment.—The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively. The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified.

e. Acceptable Conditions of Work.—Real wages improved slightly over the last year to approximately \$40 (48,000 rubles) to \$60 (72,000 rubles) a month. The minimum wage of \$3 (3,600 rubles) a month does not provide a decent standard of living for a worker and a family. Agriculture workers are paid approximately 39 percent less than the average monthly wage. The country's continuing economic problems make it difficult for the average worker to earn a decent living. Major wage arrears continued to grow, especially in the agricultural sector.

The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. Because of the country's difficult economic situation, an increasing number of workers find themselves working considerably less than 40 hours per week. Factories reportedly often require workers to take unpaid furloughs due to shortages of raw materials and energy, and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often are ignored. Workers at many heavy machinery plants do not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate exists but does not have the authority to enforce compliance, and violations often are ignored. The high accident rate is due to a lack of protective clothing, shoes, equipment, nonobservance of temperature regulations, the use of outdated machinery, and inebriation on the job.

On January 4, Aleksandr Lukashenko issued a new decree, despite the protests of independent trade unions, lowering the level of disability allowances paid by the State or state enterprises in the result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believe workplace injuries should be reviewed under the Labor Code, under which compensation is more generous. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

f. Trafficking In Persons.—There is no specific law against trafficking in women. The authorities are just beginning to recognize the problem of trafficking in women. In 1999 a Board of Morals and Illegal Distribution of Drugs was created by the Ministry of Interior, but the work has been hardly efficient. In partnership with the U.N. Development Program (UNDP), the Gender Information and Policy Center (GIPC) was established by the Ministry of Social Welfare which also deals with this issue. The country is both a source and transit point for women and girls being trafficked to Central and Western Europe for purposes of prostitution. Information from such scattered destinations as the Netherlands, Lithuania, and Bosnia, refer to Belarus among the source countries for women being trafficked to or through their countries, and other anecdotal evidence suggests that the Russian Mafia is active in trafficking young women, who end up as prostitutes in Cyprus, Greece, Israel, and Western Europe. The Ministry of Internal Affairs acknowledges that Russian criminal organizations actively may try to recruit and lure women into serving as prostitutes in Western Europe and the Middle East.

Women seldom report incidences of trafficking to police because of a generally negative public opinion about law enforcement authorities, shortcomings in legislation, and the insufficient protection of victims and witnesses.

In April a seminar was held in cooperation with the Ministry of Interior and NGO's in which NGO's elaborated on programs devoted to warning the public about the problem. The Belarus Young Christians Women Association (BYCWO) implements a project aimed at informing women of the risks associated with employment abroad and the minimization of possible dangers for women. No information is available on state or non-governmental initiatives to help victims return to their countries. Crisis centers established by some NGO's do provide psychological assistance to victims of violence. Such centers, however, do not have specialists dealing with victims of trafficking.

BELGIUM

Belgium is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Belgium is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German) levels. The judiciary is independent.

The Government maintains effective control of all security forces. The Police Judiciaire and the Gendarmerie currently share responsibility for internal security with the municipal police, but the two organizations are to be merged at the federal level, and the Gendarmerie and municipal police are to be integrated at the local level under a reorganization plan scheduled to be implemented in 2001.

The country is highly industrialized, with a vigorous private sector and limited government participation in industry. The primary exports are iron and steel. The economy provides a high standard of living for most citizens.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. The Government is taking steps to combat violence against women and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

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

In addition to the integration of the police forces, a reorganization plan calls for the creation of an independent oversight body for the federal police and also for the creation of a new anticorruption unit.

Prison conditions vary. Newer prisons meet international standards. Older facilities meet or nearly meet minimum international standards despite their Spartan physical conditions and limited resources. In August the prison system, designed to hold some 7,500 prisoners, held 8,395. The Government instituted a pilot project intended to reduce overcrowding in prisons by using electronic surveillance at home for prisoners near the end of their sentences.

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government observes these prohibitions. Arrested persons must be brought before a judge within 24 hours. Pretrial confinement is subject to monthly review by a panel of judges, which may extend pretrial detention based on established criteria (e.g., whether, in the court's view, the arrested person would be likely to commit further crimes or attempt to flee if released). Bail exists in principle under the law but is granted rarely. The Government does not separate convicted criminals and pretrial detainees. Pretrial detainees receive different privileges from convicted criminals, such as the right to more frequent family visits. Approximately 40 percent of the prison population consists of pretrial detainees. Arrested persons are allowed prompt access to a lawyer of their choosing or, if they cannot afford one, to an attorney appointed by the State.

In July the Government came under intense criticism for the detention of Fehriye Erdal, a Kurdish woman accused of involvement in a terrorist attack in Turkey in which a prominent businessman was killed. Erdal was arrested in Knokke in October 1999 and charged with weapons violations. The Government refused the Turk-

ish Government's extradition request for Erdal because of the possibility that she could face the death penalty in Turkey. The Government also refused to try her on the terrorism charges in Belgium because of a technicality in the international agreement requiring such action. After a month-long hunger strike, Erdal was released from prison in August and placed under house arrest pending a trial on the weapons charges. The trial was not expected to begin until early 2001.

In June over 800 British football fans were arrested for disturbing the peace during outbreaks of hooliganism at the Euro 2000 soccer championship. Most were deported immediately to the United Kingdom but five were held for trial under the new summary trial act (see Section 1.e.). Credible reports indicate that some innocent bystanders were caught up in the police action and held incommunicado for as long as 36 hours without adequate food or water.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is organized according to specialization and territorial jurisdiction, with 5 territorial levels: Canton (225), district (27), provinces and Brussels (11), courts of appeal (5), and for the whole Kingdom—the Cour de Cassation. The latter is the highest appeals court.

Military tribunals try military personnel for common law as well as military crimes. All military tribunals consist of four officers and a civilian judge. At the appellate level, the civilian judge presides. The accused has the right of appeal to a higher military court.

Each judicial district has a Labor Court, which deals with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits.

The judiciary enforces the law's provision for the right to a fair trial. Charges are stated clearly and formally, and there is a presumption of innocence. All defendants have the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

As part of an ongoing program of judicial reform, the Government's summary trial act became effective on April 1. This act, which covers crimes punishable by 1 to 10 years' imprisonment, allows a prosecutor to issue an arrest warrant for the immediate appearance in court of an offender caught in the act of committing a crime. The warrant expires after 7 days and the court must render its verdict within 5 days of the initial hearing. The first conviction under this act, against a British citizen accused of hooliganism during the Euro 2000 soccer championship (see Section 2.b.), was overturned on appeal, and the defendant was retried under regular procedures. Several human rights organizations claim that summary trial violates the presumption of innocence and jeopardizes the right to a full and fair defense. By year's end, the courts had not ruled on the legality of the summary trial act.

In 1999 the Government created a High Council on Justice to supervise the appointment and promotion of magistrates. In early 2000, the Council formally was instituted, and members were elected. The Council is designed to serve as a permanent monitoring board for the entire judicial system and is empowered to hear complaints against individual magistrates.

Following a review of the judicial system, the Government implemented several reforms that granted stronger rights to victims of crime. These measures allow victims to have more access to information during an investigation, as well as the right to appeal if an investigation does not result in a decision to bring charges. As part of its program of judicial reform, the Government undertook to open "justice houses" in each of the 27 judicial districts. These facilities combine a variety of legal services under one roof, including legal aid, mediation, and victim's assistance. As of September, 14 of the proposed justice houses had opened. Personnel at some of the justice houses complained publicly about high workloads and staffing shortages.

In 1999 Parliament enacted legislation that further defines crimes against humanity, war crimes, and genocide and also imposes penalties for such crimes. In 2000, as a result of the new law, the courts became a forum for trying alleged human rights violations by high profile participants in past and present conflicts in Central Africa, the Middle East, and South America.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, government authorities respect these prohibitions, and violations are subject to effective legal sanction. However, there were reports that Muslim women in traditional dress or headscarves in some cases were subjected to discrimination in admission to school (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

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

The Government operates several radio and television networks but does not control program content. Boards of directors that represent the main political, linguistic, and opinion groups supervise programs. A government representative sits on each board but has no veto power. Private radio and television stations operate with government licenses. Almost all homes have access by cable to television from other Western European countries and elsewhere. Satellite services are also available.

There are restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence. A 1999 law prevents political parties that espouse discrimination from receiving federal funds.

In August in response to a request from the League for Human Rights, the Namur district court issued an injunction to halt distribution of a subscription-only newsletter that published the names of 50 convicted or accused pedophiles. The publisher also was ordered to remove the list from his Internet site and pay a fine of \$22,200 (BFR 1 million) for every copy distributed in any form. The court ruled that publication of the names constituted an invasion of privacy.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government respects this provision in practice.

The law provides for freedom of association, and the Government respects this provision in practice. Citizens are free to form organizations and establish ties to international bodies; however, the Antiracism Law (see Section 5) prohibits membership in organizations that practice discrimination overtly and repeatedly. In May the Ghent appeals court overturned a 1999 district court ruling that the “Hells Angels” are a private militia and should be disbanded. However, several members of the group were convicted of criminal offences.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Government does not hinder the practice of any faith. The law accords “recognized” status to Roman Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Greek and Russian Orthodoxy, and these religions receive subsidies from general government revenues. Taxpayers who object to contributing to religious subsidies have no recourse. By law each recognized religion has the right to provide teachers at government expense for religious instruction in schools, but not all avail themselves of this right. For recognized religions, the Government pays the salaries, retirement, and lodging expenses of ministers and also subsidizes the renovation of church buildings.

The Government also supports the freedom to participate in nonconfessional philosophical organizations (laics). Laics serve as a seventh recognized “religious” group, and their organizing body receives funds and benefits similar to the six recognized religions.

In spite of Islam’s status as a recognized religion, spokesmen for the Council of Muslims report that women and girls in traditional dress or headscarves in some cases are subjected to discrimination in employment and school admissions.

The lack of independent recognized status generally does not prevent religious groups from freely practicing their religions.

In September 1999, 110 national police officers raided Church of Scientology facilities and the homes and businesses of about 20 members of the Church. One member’s home in France was raided simultaneously by the French authorities. At year’s end, an investigation continued, and no arrests had been made.

In April the Belgian authorities began refusing visas to missionaries of the Church of Jesus Christ of Latter-Day Saints to enter the country for missionary work. Similar visas had been processed for decades without problems. In July the Ministry of Interior instituted temporary procedures designed to ensure the issuance of visas to these missionaries and undertook to establish permanent procedures by October 2000. At year’s end, visas were being issued, albeit at a much slower pace than in the past. The Government still had not devised new permanent procedures for visa issuance but was continuing its talks with church leaders to solve the problem.

The Evangelical Association (a group of evangelical Christian organizations) continued to claim discrimination due to the Government’s refusal to grant it recognized status separate from the Protestant religion. Despite the Government’s refusal, it is negotiating with the group in an effort to ensure that the Evangelical Association enjoys the same benefits as recognized religions. The Government is me-

diating discussions to enable the Evangelical Association to obtain representation in the leadership of the recognized Protestant church.

In 1998 Parliament adopted recommendations from a 1997 commission's report on government policy toward sects, particularly sects deemed "harmful" under the law. The report divided sects into two broadly defined categories: It characterized a "sect" as any religious-based organization, and a "harmful sect" as a group that may pose a threat to society or individuals. One of the primary recommendations was to create a government-sponsored Center for Information and Advice on Harmful Sectarian Organizations. The center began limited operations in October 1999 and is now fully operational and open to the public. The Government tasks the center with collecting publicly available information on a wide range of religious and philosophical groups and providing information and advice to the public regarding the legal rights of freedom of association, privacy, and freedom of religion. The center is authorized to share with the public any information it collects on religious sects but, despite its name, the regulations prohibit it from categorizing any particular group as harmful. In May the Government announced the composition of an inter-agency coordination group designed to work in conjunction with the center to coordinate government policy on sects. The coordination group's first meeting was held in October. The Government also named a national magistrate and one magistrate in each of the 27 judicial districts to monitor cases involving sects.

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

In January (as a result of a December 1999 act of Parliament) the Government announced a "regularization" program for three categories of undocumented aliens: Those who had applied for asylum at least 4 years earlier and had received no answer or a negative answer; those whose medical condition made a return to their country of origin inadvisable; and those who could not return to their country of origin for political reasons. Undocumented aliens who could demonstrate evidence of a lasting integration into their community also were allowed to apply. Successful applicants were to be granted legal residence status. During the application period, January 10 to 30, the Government received 32,662 applications representing 50,600 individuals. Human rights groups criticized both the border controls that were imposed during the application period to prevent undocumented aliens living in other countries from applying and the slow pace of the approval process. The Government initially promised to complete the review of all applications by July 2001; however, by December it had processed only 1,570 of the 32,662 files.

In March Parliament amended the nationality code to facilitate acquisition of Belgian citizenship. Under the terms of the amended code, foreigners can apply for naturalization after living legally in the country for 3 years. Stateless persons and refugees can apply after 2 years. Moreover, foreigners who have maintained their residence in the country for 7 years may acquire citizenship simply by declaring their intent to their local municipal authorities. Adult foreigners living outside the country may declare their Belgian nationality as soon as one parent legally has acquired it.

The law includes provisions for granting refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and reported receiving 42,691 new asylum applications during the year compared with 35,777 during 1999. Only about 10 percent of applications normally are approved. The number of asylum applications continued to rise dramatically throughout the year. For example, the Government received 5,300 applications in the month of October.

The Government, in partnership with the International Organization for Migration (IOM), provides relocation assistance to unsuccessful asylum applicants who agree to repatriate voluntarily to their country of origin. Unsuccessful applicants who do not leave voluntarily are subject to deportation. During the year, more than 10,000 unsuccessful asylum applicants were repatriated to their country of origin, either voluntarily (5,382) or through forced deportation (4,835). This total is double the number of repatriations in 1999. According to the Government, no unsuccessful applicants are repatriated forcibly to countries where they can demonstrate a credible fear of persecution.

In response to complaints about slow processing time and the large backlog of asylum applications, the Government adopted a "last in, first out" policy in processing new applications. This policy is intended to reduce processing time for current applicants.

The special asylum status granted to Kosovar refugees expired in September 1999. The Government, with the cooperation of the IOM, provided financial assistance to Kosovars who voluntarily returned to their homes. The rest were permitted to apply for asylum through the regular application process.

Undocumented asylum seekers arriving by air whose claims do not appear legitimate are not allowed to enter but are held in a closed detention center at the airport for up to 5 months while awaiting deportation or voluntary repatriation. The children of such asylum seekers do not attend school. Those applicants whose claims appear to be legitimate are released to 1 of 27 open asylum centers for shelter and assistance. These centers have a total capacity of 5,000 beds. The centers, funded mainly by the Government and the Belgian Red Cross, have been overtaxed by the increasing numbers of asylum seekers, and the Government has solicited assistance from municipalities to handle the overflow. Municipal assistance commissions are expected to provide an additional 1,400 beds.

In November a working group created by the Minister of Interior to reform the Government's immigration and asylum procedures issued its report. Its recommendations included: Ending financial aid to asylum seekers (only aid in kind—food and shelter—will be provided); increasing by 10,000 the number of beds available at open shelters; establishing 10 registration offices at the borders (applicants will have to apply immediately upon entering Belgium and also will have to supply information on the route they followed to get to Belgium); creating a “fast track” processing procedure for applicants whose claim appears on the surface to be non-credible; and increasing funding and manpower for the regularization effort. The Government's goal for implementation of the new procedures, many of which must be approved by Parliament, is January 1, 2002. Some human rights groups criticized the new policies as being “repressive and restrictive.”

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

The law provides citizens with the right to change their government peacefully, and citizens ages 18 and older exercise this right in practice through periodic, free, and fair elections held on the basis of universal and compulsory (under penalty of fine) suffrage. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operate freely.

In 1998 the European Court of Justice censured Belgium for its failure to comply with a European Council directive requiring member states to accord to all citizens of European Union (EU) countries resident in another EU country the right to vote in municipal elections. In 1998 Parliament amended the Constitution to extend that right to EU citizens and passed implementing legislation in January 1999. By the July 31 closing date for registration, a total of 87,858 non-Belgian European Union citizens had registered to vote in the October 2000 municipal elections.

The Federal Government is responsible for such matters of state as security, justice, social security, and fiscal and monetary policy. The regional governments are charged with matters that directly affect the geographical regions and the material well-being of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

Women are underrepresented in government but hold some senior positions. Of 18 federal ministers, 3 are women. In the Federal Parliament, 36 of 150 house members and 20 of 71 Senators are women. Federal law requires that one-third of all candidates in national and local elections be women.

The existence of communities speaking Dutch, French, and German engenders significant complexities for the state. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group.

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

Numerous human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

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

While the law already prohibits discrimination based on these factors, in December the Council of Ministers, in order to consolidate and clarify existing laws, voted to introduce legislation in Parliament to outlaw all forms of discrimination. The

Government enforces antidiscrimination law. With Dutch, French, and German as official languages, the country has a complex linguistic regime, including language requirements for various elective and appointive positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights.

Women.—A 1998 study commissioned by the Ministry of Employment and Labor (which is also responsible for equality issues) reported that the number of women who acknowledged suffering from repeated domestic physical or sexual violence at some point in their lives rose from 6.3 percent in 1988 to 16.8 percent in 1998. The same study found that women between 30 and 39 years of age made more official complaints about physical violence in 1998 than their counterparts a decade earlier (although part of this increase was attributed to a greater willingness to come forward).

A 1998 law defines and criminalizes domestic violence, with the aim of protecting married and unmarried partners. Women's groups believe that the 1998 law is an important step in recognizing domestic violence as constituting an offense distinct from other forms of aggression. The law allows social organizations to represent victims of domestic violence in court provided that they have the victim's consent. A 1999 law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint. According to its proponents, the police do not use the law enough. The Government still has not implemented other provisions of the 1999 law that require it to establish and maintain a database of accurate statistics on domestic violence.

A number of shelters and telephone help lines are available throughout the country. In addition to providing shelter and advice, many offer assistance on legal matters, job placement, and psychological counseling for both partners. Approximately 80 percent of these organizations' budgets are provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution itself. A 1995 law defined and criminalized trafficking in persons, but cases of trafficking in women continued (see Section 6.f.).

Sexual harassment is illegal. The Government has implemented procedures to monitor sexual harassment claims. Victims of sexual harassment have the right to sue their harassers under existing law. According to a 1999 revision of the law on equal opportunity in the workplace, sexual harassment can be a form of sexual discrimination. The act outlaws discrimination in hiring, working conditions, promotion, wages, and contract termination. Despite these laws, most cases of sexual harassment are resolved informally. A study by the Ministry of Defense found that 54 percent of women in the armed forces had been subjected to abusive language, 36 percent had experienced unwelcome physical contact, and 4.6 percent reported being the victim of sexual harassment involving physical violence.

Equal treatment of men and women is provided for in the Constitution, federal law, and treaties incorporated into law. The Government actively promotes a comprehensive approach to the integration of women at all levels of decisionmaking. The Division of Equal Opportunity, a part of the Ministry of Labor, focuses specifically on issues affecting women, including violence against women, sexual harassment, and the participation of women in the political process. At mid-year the unemployment rate was 10.1 percent for women compared with 7.2 percent for men. The net average salary for a woman is only 84 percent of the national net average salary. In 1996, the last year for which comparative statistics are available, women in blue collar jobs earned 79 percent of the salary of their male counterparts. The average salary for women in white collar jobs was only 70 percent of the salary of their male counterparts.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded system of public education and health care. It provides compulsory education up to the age of 18. The Francophone and Flemish communities have agencies specifically dealing with children's needs.

Government and private groups provide shelters for runaways and counseling for children who were abused physically or sexually.

There are comprehensive child protection laws. Children have the right to a voice in court cases that affect them, such as divorce proceedings. The law states that a minor "capable of understanding" can request permission to be heard by a judge, or that a judge can request an interview with a child. The law is designed to combat child pornography by the use of high penalties for such crimes and for those in possession of pedophilic materials. The law permits the prosecution of Belgian residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison.

In March Parliament amended the Constitution to include an article on children's rights. The new article stipulates that every child has the right to respect for his or her moral, physical, mental, and sexual integrity.

Belgium is both a transit point and a destination for trafficking in children (see Section 6.f.).

Child Focus, the government-sponsored center for missing and exploited children, reported that it handled 1,503 cases in 1999 and 722 cases in the first 4 months of 2000. Nearly 12 percent of the cases reported from January to April involved sexual exploitation.

Child prostitution is of limited scope.

There is no societal pattern of abuse directed against children.

People with Disabilities.—The law provides for the protection of disabled persons from discrimination in employment, education, and in the provision of other state services. The Government mandates that public buildings erected since 1970 be accessible to the disabled and offers subsidies to induce the owners of other buildings to make necessary modifications. However, many older buildings are not accessible.

The Government provides financial assistance for the disabled. It gives special aid to parents of disabled children and to disabled parents. Regional and community programs provide other assistance, such as job training. Disabled persons are eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just their region of residence.

National/Racial/Ethnic Minorities.—Belgium is a pluralistic society in which individual differences in general are respected, and linguistic rights in particular are protected. Some 60 percent of citizens are native Dutch speakers, about 40 percent are French speakers, and fewer than 1 percent are German speakers.

The Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors and for employers to consider these factors in their decisions to hire, train, or dismiss workers.

In 1999 the Government-sponsored Center for Equal Opportunity and the Fight Against Racism, which is tasked with investigating complaints of discrimination based on race, handled 919 complaints, 18 of which led to court action. In March 2000, the Government extended the mandate of the center to include all forms of discrimination. In its 2000 report, the center drew attention to discrimination against non-Belgians in certain categories of public service jobs. The report also referred to a study on behalf of the International Labor Organization (ILO), which revealed persistent discrimination against immigrants in private sector employment. However, the center reported that it found very little discrimination in eligibility for, and the payment of, social security benefits.

Section 6. Worker Rights

a. The Right of Association.—Under the Constitution, workers have the right to associate freely, which includes the freedom to organize and join unions of their own choosing. The Government does not hamper such activities, and workers fully and freely exercise their right of association. About 60 percent of workers are members of labor unions. This number includes employed and unemployed workers. Unions are independent of the Government but have important links with major political parties. The Government does not require unions to register.

In its 1999 report, the ILO's Committee of Experts on the Application of Conventions and Recommendations reiterated its criticism that the Government should adopt legislation establishing "objective, predetermined, and detailed criteria" to enable employers' organizations and trade unions to have access to the National Labor Council. Because of restrictive interpretation of the legislation in force, only the Christian, Socialist, and Liberal trade union confederations have access to the National Labor Council. This criticism was not repeated in the organization's 2000 report, although the Government took no action on the issue.

Unions have the right to strike, and even strikes by civil servants and workers in "essential" services are tolerated. However, seamen, the military, and magistrates have no right to strike. In 1999 the Gendarmerie obtained a limited right to strike as part of the police reform package; this provision is to be implemented by April 1, 2001.

Even though many strikes begin as wildcat actions, strikers are not prosecuted for failure to observe strike procedures in collective bargaining agreements. Crimes committed during a strike action, such as causing bodily harm or damage to property, are clearly illegal strike methods, which the authorities prosecute.

Federal police have the right to strike. The Government has the authority to order necessary forces back to work during a strike in order to maintain law and order.

The International Confederation of Free Trade Unions in its "Annual Survey of Violations of Trade Union Rights 2000" again mentioned that for several years employers made applications to civil courts to end strikes. The report added that, more recently, judges tended to rule that labor conflicts are not within their jurisdiction. This stance reinforced the widely accepted practice that any discussion of the right to strike is a subject for collective bargaining between workers and employers and not a legal matter. Although draft laws were submitted, no action has been taken by Parliament to end the legal confusion.

Unions are free to form or join federations or confederations and are free to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is recognized, protected, and exercised freely. Every other year the employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. In 1998 employers and unions agreed on a nationwide collective bargaining agreement that focused on collective bargaining at the branch and plant levels and limited compensation increases to 5.9 percent for the 1999–2000 period. The agreement covered cost of living adjustments, wage increases, and job creation measures.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. Effective mechanisms such as the labor courts exist for adjudicating disputes between labor and management.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and generally it is not known to occur; however, trafficking in women and children for the purpose of forced prostitution is a problem (see Section 6.f.). The law also prohibits forced and bonded child labor, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 15, but education is compulsory until age 18. Youths between the ages of 15 and 18 may participate in part-time work/study programs and may work full time during school vacations. The labor courts effectively monitor compliance with national laws and standards. There are no industries where any significant child labor exists. The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively (see Section 6.c.); however, trafficking in children is a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The monthly national minimum wage for workers over 21 years of age is approximately \$1,030 (BFR 46,338): 18-year-olds must be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent. The minimum wage, coupled with extensive social benefits, provides workers with a decent standard of living. Minimum wages in the private sector are set in biennial, nationwide collective bargaining meetings (see Section 6.b.), which lead to formal agreements signed in the National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. By law the standard workweek cannot exceed 39 hours and must have at least one 24-hour rest period. Many collective bargaining agreements set standard workweeks of 35 to 38 hours. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 40th to the 50th hour per week is considered allowable overtime. Longer workdays are permitted only if agreed upon in a collective bargaining agreement. These laws and regulations are enforced effectively by the Ministry of Labor and the labor courts.

The law calls for comprehensive provisions for worker safety. Collective bargaining agreements can supplement these laws. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implements health and safety legislation through a team of inspectors and determines whether workers qualify for disability and medical benefits. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitor compliance with national health and safety laws and standards.

f. Trafficking in Persons.—The law defines and criminalizes trafficking in persons, and trafficking in women and children is a problem. Under the law, victims of traf-

ficking who provide evidence against the trafficker are granted temporary residence permits and are eligible to receive aid from government-funded reception centers. Since 1994 the majority of cases were victims of either sexual or economic exploitation. The victims of sexual exploitation increasingly are women under age 18. A magistrate is designated in each judicial district to supervise cases involving trafficking in persons. A national magistrate is in charge of coordinating the various antitrafficking initiatives. An antitrafficking unit also has been established in the Gendarmerie. In each of the three regions (Wallonia, Flanders, and Brussels), the Government has designated (and subsidizes) a nonprofit organization to provide assistance to victims of trafficking. The Center for Equal Opportunity and the Fight Against Racism (see Section 5), which is tasked with monitoring the treatment of trafficking victims, complained that the designated nonprofit organizations lack the funds and staff to assist properly the growing number of victims. The Government reported significant increases in witness testimony and the successful prosecution of traffickers. An average of 130 victims have taken advantage of the residency program in recent years.

Belgium is both a transit point and destination for trafficking in women and children. In September 1999, the three government-designated nonprofit organizations involved in assisting victims of trafficking in persons reported 185 active cases of trafficking in women from over 30 countries. The largest number of victims were Albanian. Cases on 28 children from 7 different countries also were active; the largest number were from Albania and Macedonia. According to statistics compiled by the U.N. High Commissioner for Refugees, nearly 2,000 unaccompanied minors requested asylum in 1999, most from the former Yugoslavia and central Africa. Because of the difficulties involved in traveling to Belgium from those areas, the International Organization for Migration believes that many of these unaccompanied minors were brought in by traffickers or assisted by professional smugglers.

In June 58 Chinese immigrants were found dead of suffocation in a truck at the British seaport of Dover. They apparently had boarded the truck in Belgium before it departed by ferry from the port of Zeebrugge. Police suspect that an organized smuggling ring was involved. The Government was criticized in Parliament for failing to provide effective immigration control at Belgium's seaports and airports. During the first 6 months of the year, 1,105 illegal aliens were apprehended as they attempted to transit the port of Zeebrugge, compared to 1,440 for all of 1999. In November the Government announced its program for reforming asylum and immigration procedures (see Section 2.d.).

In an ongoing program began during the year, the Government, under the auspices of the Ministry of Interior, dispatched attaches to several source countries to provide in-depth analysis of the trafficking situation in those countries. These attaches, whose stays can last anywhere from a few weeks up to 2 years, also are responsible for coordinating antitrafficking information campaigns to warn locals about the potential consequences of being the victim of a trafficking organization.

The Government has worked closely with the International Organization for Migration (IOM) to develop innovative programs to combat human trafficking and to assist its victims. For example, the Government has provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also has provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they have returned home.

In 1996 the authorities uncovered a suspected pedophile/child pornography and trafficking ring. Five suspects remained under investigation, including the accused ringleader, Marc Dutroux. In December the Government announced that his trial would not begin until September 2002. Lengthy delays in bringing this case to trial have led to widespread public cynicism and suspicion about the investigation of this case in particular and about the judicial system in general.

BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) ended the 1991-95 war and created the independent state of Bosnia and Herzegovina, previously one of the constituent republics of Yugoslavia. The agreement also created two multiethnic constituent entities within the state: The Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation, which has a postwar Bosnian Muslim (Bosniak) and Croat majority, occupies 51 percent of the territory; the RS, which has a postwar Bosnian Serb majority, occupies 49 percent. The Constitution (Annex 4 of the Day-

ton Accords) establishes a statewide government with a bicameral legislature, a three-member presidency (consisting of a Bosniak, a Serb, and a Croat), a council of ministers, a constitutional court, and a central bank. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The High Representative also has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords. The entities maintain separate armies, but under the Constitution, these are under the ultimate control of the presidency of Bosnia and Herzegovina. Municipal elections held in April and general elections conducted in November were generally free of violence, although there were some voting irregularities in both elections. Multi-ethnic parties committed to building on the foundation established at Dayton, such as the Social Democratic Party (SDP), made inroads against the support for the nationalist, ethnically based parties in the November elections, resulting in a state House of Representatives almost evenly divided between the two groups. In the RS, the ethnically based Serb Democratic Party (SDS) maintained its dominant position, while the nationalist Croatian Democratic Union of Bosnia and Herzegovina (HDZ) remained strong in Croat-majority municipalities. The Party of Democratic Action (SDA) remained the largest nationalist Bosniak party. Although formally independent, the judiciary remains subject to influence by political parties and the executive branch and is unable to prosecute complex or even simple crimes fairly and effectively.

One of the two entities that make up Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, was established in March 1994 and transformed the government structure of the Bosnian territories under Bosniak and Croatian control. The President of the Federation appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Federation structures continue to be implemented only gradually. Major steps were the creation of canton governments, the unification of Sarajevo under Federation control in spring 1996, and the 1996, 1998, and 2000 elections of the Federation Parliament. However, serious ethnic and political rivalries continue to divide Croats and Bosniaks. Parallel Bosniak and Croat government structures continued to exist in practice.

The Republika Srpska of Bosnia and Herzegovina is the other entity that makes up Bosnia and Herzegovina. In 1997–98, most of the RS political and administrative agencies moved from Pale, a stronghold of former Bosnian Serb leader and indicted war criminal Radovan Karadzic, to Banja Luka. The President and Vice President were elected in November for 4-year terms. The RS National Assembly is unicameral and elected on a proportional basis. The November general elections in the Republika Srpska were relatively free and fair, and resulted in the nationalist parties, led by the SDS, increasing their strength at the expense of the pro-Dayton moderates.

Demilitarization of the city of Brcko, which was made a “self-governing neutral district” in March, was completed in February. A districtwide multiethnic police force also was established. The internationally appointed supervisor is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

The State-level Constitutional Court declared during the year that a number of provisions of the entity constitutions were unconstitutional; they had been challenged in a lawsuit filed by Presidency member Alija Izetbegovic in 1998. The court ruled unconstitutional provisions in both entity constitutions that designated a specific ethnic group or groups as “constituent” in that entity, making clear that the three major ethnic groups—Serbs, Croats, and Bosniaks—as well as “others,” are constituent in both entities. The decision also invalidated parts of the entity constitutions that named an official language or script, or that called for government support for one church, among other provisions. The decisions established the principle of ethnic equality in the country; however, this decision of the court has not yet been implemented in practice.

The Constitution gives the Government of each entity and the individual cantons within the Federation responsibility for law enforcement in accordance with internationally recognized standards. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to attempt to create a secure environment for implementation of the nonmilitary aspects of the settlement, such as: Civilian reconstruction, the return of refugees and displaced persons, elections, and freedom of movement of the civilian population. The International Police Task Force (IPTF), which was established by the U. N. under Annex 11 of the Dayton Accords, monitors, advises, and trains the local police. The IPTF also may investigate human rights abuses. Local police in both entities have violated international standards and discriminated on political, religious, and ethnic grounds; however, these cases decreased compared with 1999. During the year, po-

lice in both the Federation and the RS used internal affairs units to investigate and dismiss officers for committing abuses. Police continued to suffer from the legacy of a Communist system, with "special" or secret police operating in all areas. These forces operated outside the normal police chain of command, exceeding ethnic quotas and reporting directly to the senior political leadership. In addition to locally recruited police forces, each entity also maintains an army. Security forces committed human rights abuses, primarily police brutality, in many parts of the country.

The economy remains weak and dependent upon international assistance. Gross domestic product (GDP) is estimated at \$5 billion; per capita GDP doubled, at approximately \$1,350. GDP continued to be lower in the RS than in the Federation. The entity governments have made only minor structural reforms in privatization, banking, and taxation. Official unemployment estimates range from 40 to 50 percent, and many individuals are forced into the informal economy for work. Workers in the "gray" market typically receive no benefits, but those with formal employment often are paid only partial salaries and months late. Pensions and other benefits are also paid only in part and are delayed 6 months or more due to a lack of government resources. The continued return of refugees from abroad is expected to compound the problem of job creation and to reduce remittances. International assistance provided loans to the manufacturing sector and guidance on structural reform.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. The degree of respect for human rights continues to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities. There was one death in custody (a suicide), and isolated instances of political, ethnic, or religious killings continued. Killings due to bombs also continued. The police continued to commit human rights abuses during the year, and serious problems persisted. Police continued to commit abuses in many parts of the country, principally the physical abuse of detainees. Members of security forces also abused and physically mistreated other citizens. Police also used excessive force, or did not ensure security, to discourage minority resettlement in majority areas. Prison conditions met prisoner's basic minimum needs for hygiene and access to medical care; however, overcrowding and antiquated facilities continued to be a problem.

In the RS, police detained suspects for long periods of time before filing charges; lengthy prearrest detention was a problem in numerous cases in the Federation as well. However, there were fewer cases of arbitrary arrest and detention than in the previous year. Confusion over the rules governing local arrest, detention, and prosecution of suspects for The Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) led in some instances to questionable detentions in both the Federation and the RS. The RS continued its de facto refusal to take action against any Serbs indicted by the ICTY. In contrast, RS authorities have made arrests of Serbs based solely on warrants issued by the Federal Republic of Yugoslavia (Yugoslavia); however, in a recent case the authorities later released the suspects.

The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch. Overlapping and poorly defined layers of judicial responsibility and outdated procedures made the administration of justice sporadic and vulnerable to manipulation. In many areas, close ties exist between courts of law and the ruling parties, and those judges and prosecutors who show independence are subject to intimidation by the authorities. Even when independent decisions were rendered, local authorities often refused to carry them out. Authorities in all areas infringed on citizens' privacy rights.

Authorities and dominant political parties exerted influence over the media, and freedom of speech and of the press was restricted to varying degrees in the different entities. Government threats against journalists increased during the year. Academic freedom was restricted. Authorities continued to impose some limits on freedom of assembly and association. Religious discrimination remained a problem. Both governments and private groups continued to restrict religious practice by minorities in majority areas. Although freedom of movement continued to improve, some restrictions remained in practice. At times, mobs blockaded roads, restricting freedom of movement.

Discrimination against women persists, and violence against women, in particular domestic violence, is a persistent yet underreported problem. Severe discrimination continued in areas dominated by Serb and Croat ethnic groups, with some discrimination in Bosniak-majority areas, particularly regarding the treatment of refugees and displaced persons. The political leadership at all levels, in varying degrees but more so in the RS than in the Federation, continued to obstruct minority returns in certain localities. Local authorities and mobs (in most cases believed to be organized or approved by local authorities) harassed minorities and violently resisted

their return. The destruction of minority-owned houses continued in some areas of the RS and in Croat-controlled areas of the Federation. Marginal economic conditions and discrimination in the educational system also complicated returns. Enactment of property legislation proceeded in both entities under pressure from the international community, but implementation was sporadic and slow. Mob violence was a serious problem in the eastern RS. In December, several returning Bosniaks were wounded and one killed by mine explosions, raising suspicions that the mines had been laid to deter return. There were several killings of Bosniaks in the northern RS in the fall that may have been ethnically motivated. Ethnic discrimination remains a serious problem. Prostitution is widespread, and trafficking in women and girls to and within the country is a serious problem.

During the year, there were increased efforts on the part of SFOR to apprehend alleged perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted in the apprehension of 5 indictees out of the 96 publicly indicted by the Tribunal (one committed suicide rather than submit to arrest). This brought the total number of indictees taken into custody since the Tribunal's inception to 48. At year's end there were 38 persons in ICTY custody either awaiting trial, involved in ongoing trials, released provisionally, or awaiting transfer to begin serving their sentences. Three indictees already are serving sentences. There were 27 public indictees still at large at year's end. ICTY trials during the year resulted in six convictions and one acquittal.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by police; however, there was one death in custody. Violent incidents continued throughout the year, many between members of different ethnic groups or political parties.

A prisoner died in Mostar West prison where he was being held on charges of aggravated assault. An investigation by the IPTF's Human Rights Division determined the death a suicide and found no evidence to suggest police abuse or irregularities.

Federation authorities made several arrests in connection with the March 1999 killing of Federation Deputy Interior Minister Jozo Leutar. In spite of ethnic divisions within the police and political interference from some quarters, the investigation, one of the most politically contentious in Bosnia, was continuing in cooperation with officials in third countries at year's end. By contrast, a series of attacks on Croat policemen in Travnik in 1999 remains unsolved, mainly due to political interference.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished, including war criminals indicted by the ICTY, individuals responsible for the up to 8,000 persons killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for up to 13,000 others still missing and presumed killed as a result of "ethnic cleansing" in Bosnia. The local prosecution of war crimes cases has proceeded slowly due to political interference, but Bosnian authorities made some progress during the year with the arrest of several suspects that have been charged and are to be tried in the Bosnian courts.

There was an increase in the number of arrests by Federation police of war crimes suspects for local prosecution, particularly in Croat areas of the Federation. Officers of the Federation Interior Ministry arrested suspected Croat war criminal Dominik Ilijasevic August 28 in Kiseljak. Erhad Poznic and Ivan Suljo, former Croat special police officers charged in connection with the disappearance and presumed execution of 13 Bosniak prisoners of war in Mostar in 1993, both surrendered voluntarily to cantonal authorities in September. In addition, Dragan Stankovic, a Bosnian Serb indicted for local prosecution for actions targeting the Bosniak civilian population in Foca in 1992, was arrested by cantonal police in Gorazde on September 20, while crossing through Federation territory. A Croat police official in Travnik surrendered himself to a Sarajevo court in March following his reported indictment on war crimes charges. The court subsequently released the officer, ultimately explaining that he had been questioned as a witness in an ongoing war crimes investigation.

During the year, there were continued efforts on the part of SFOR to apprehend alleged perpetrators of wartime atrocities. SFOR's more aggressive approach of apprehending individuals indicted by the ICTY, which began in the summer of 1997, resulted during the year in the apprehension of 5 indictees out of the 94 publicly indicted by the Tribunal. All were detained forcibly, and none voluntarily surrendered to NATO troops. On October 13, Janko Jancic committed suicide rather than submit to arrest by SFOR troops. This brought the total number of indictees taken

into custody since the Tribunal's inception to 48. At year's end there were 38 persons in ICTY custody.

On January 25, SFOR troops detained Mitar Vasiljevic, allegedly a member of the paramilitary "White Eagles," who is accused of killing over 100 Bosnian Muslim civilians in the Visegrad area. On March 5, SFOR arrested Dragoljub Prcac. Prcac is accused of being the deputy commander of the Omarska concentration camp, whose 3,000 Bosnian Muslim and Bosnian Croat captives were held in inhuman conditions. Momcilo Krajisnik, a senior Bosnian Serb politician before, during, and after the war, was arrested on April 3. Krajisnik is charged with genocide, crimes against humanity, and other war crimes for his direction of efforts to ethnically cleanse the Serbian Republic of Bosnia and Herzegovina. SFOR arrested Dragan Nikolic on April 21; he is charged with crimes against humanity and other violations committed while he was in command of the Susica concentration camp and for participating in inhuman acts against more than 500 civilians. The alleged commander of the "Keraterm" concentration camp, Dusko Sikirica, was arrested by SFOR on June 25. Keraterm camp held over 3,000 Bosnian Muslim and Bosnian Croat captives in inhuman conditions. Of the 27 publicly indicted persons still at large at the end of the year who remain in the country, the majority reportedly live in the RS. Although RS cooperation with the ICTY has improved, RS authorities made no effort to arrest indictees. The ICTY during the year issued 6 convictions and 1 acquittal. This brings the total number of convictions to 13 since the ICTY's inception.

In January, Zeljko Raznjatovic, also known as "Arkan," a notorious paramilitary commander from the Croatian and Bosnian wars who was indicted by the ICTY, was shot and killed by unknown assailants in the lobby of a hotel in Belgrade. In Prnjavor in the RS, a Bosniak man was killed in March in a hand grenade explosion on his property (see Section 1.c.). An unknown assailant shot and killed Ljubisa Savic, also known as Mauser, the former RS Minister of Interior Chief of Uniformed Police, on June 7 in Bijeljina. Savic was indicted for alleged unlawful conduct during a murder investigation by the Sokolac prosecutor in March (see Section 1.c.). His death was seen by many as the result of conflicts between Serb political factions and criminal elements. In mid-December, in Glogova, near the Serb hard-line town of Bratunac, a Bosniak was killed when a mine exploded while he was clearing his property. After an investigation, RS authorities concluded that the mines were recently placed as a booby trap to prevent return (see Section 1.c.).

There were no developments in the IPTF investigation of the death in police custody of a Bosniak returnee who had killed the leader of an Orthodox religious association in 1999.

b. Disappearance.—There were no reports of politically motivated disappearances during the year. There still are an estimated 20,000 to 30,000 persons missing from the wars in 1991–95.

The OHR in late 1997 negotiated an agreement among the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons to expedite exhumations across the interentity boundary line (IEBL). The OHR reported that the remains of 1,308 persons had been recovered during the year. These numbers were significantly lower than the previous year because the Government did not provide promised funds for exhumation until May. The International Committee of the Red Cross (ICRC) reported that since 1995 it received requests from family members to trace 20,484 people missing from the war years, including 16,979 Muslims, 719 Croats, 2,537 Serbs, and 249 others. A total of 2,231 of these persons were accounted for (292 of whom were found alive). The ICRC noted that the Working Group for Tracing Missing Persons, which serves as a channel for passing tracing requests to local authorities, had ceased functioning in July, due to lack of cooperation from local authorities and a dispute over the rotating chairmanship among the Bosniak, Bosnian Serb, and Bosnian Croat representatives. The group had not resumed work by year's end and negotiations currently are underway to reform the working group.

In August the Missing Persons Institute (MPI) was inaugurated to coordinate the recovery and identification of remains, provide support to families of the missing, and apply political pressure to Bosnian officials to provide information on missing persons. MPI is a state institution that assumed many of the functions previously carried out by the International Commission on Missing Persons (ICMP), which continues to conduct regional identification activities in the countries of the former Yugoslavia. In August MPI began the first systematic in-country DNA identification program and began collecting blood samples from living family members of missing persons to assist in the identification of recovered remains. In its first month of operation, the DNA program tested 28 presumptive identifications, which were based on circumstantial evidence such as clothing and personal items found on the body. The testing confirmed 19 identities and excluded 9.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment; however, in all areas of the country, police and prison officials abused and physically mistreated persons at the time of arrest and during detention.

A pattern of poor police protection and of violence against minority communities continued in several areas. Police in Stolac, Drvar, Gacko, and Srebrenica proved unwilling or unable to contain the numerous instances of arson designed to intimidate returnees. While there was some improvement in the behavior of local police in the RS and the Federation toward returning minorities, there still were numerous instances of poor police protection in several areas. In February the U.N. Mission in Bosnia and Herzegovina (UNMIBH) called for increased police patrols after an attempted arson attack on a Bosniak home in the settlement of Ilici in southwest Mostar. In March the OHR suspended the deputy police chief and three policemen in Kopaci, a suburb of Gorazde in the eastern RS, who, despite being stationed around a Bosniak house, failed to prevent a Serb from throwing a grenade at it. In Srebrenica, police failed to apprehend anyone responsible for more than 12 burnings of houses occupied by minority families in June and July. In July in Janja police stood by and watched as rioters burned three houses and damaged 15 others during a protest against Bosniak returns that was sparked by the scheduled eviction of three Serb families. The subsequent police investigation was marked by significant omissions, and police refused to identify suspects during court hearings. In the Federation, returning Serbs in Drvar were subjected to physical attacks and intimidation during attempts to evict temporary Croatian occupants.

At times some police officers impeded the enforcement of the law by their unwillingness to carry out eviction orders for persons illegally occupying homes of internally displaced persons (IDP's). Government leaders in both the RS and the Federation often used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 2.d.).

The IPTF made significant progress in its efforts to restructure and increase professionalism in the police forces. The IPTF completed its programs to provide human dignity and basic skills training to all Federation police officers and neared completion of officer training in the RS. The IPTF continued its certification of Federation and RS police and also decertified officers on a variety of charges. This process involved written and psychological examinations, as well as background investigations. In addition, an IPTF unit in The Hague checks the names of all police officials through the ICTY database. In August the RS police academy graduated its third multiethnic class. Minority officers are beginning to be deployed in areas where minority returns are occurring. All Federation canton governments have agreed to an ethnically mixed police force in principle; however, many cantonal governments continue to resist integration in practice. In the Federation police include Croat, Bosniak, and Serb officers and generally reflect the appropriate ethnic mix within each canton. However, Bosniak and Croat police in the Federation often operate under separate, parallel budget and command structures, divided along ethnic lines. Police in the RS generally do not meet target standards of ethnic representation, as mandated by various agreements. Cooperation between the RS and the Federation Interior Ministries often is better than cooperation between federation cantons. The integration of women into the police forces is uneven but improving, with substantial female representation in the Brcko district and in recent police academy classes in both the RS and the Federation.

IPTF certification of officers proceeded more slowly in the RS, but there was progress on significant law enforcement reforms. An interentity agreement negotiated under U.N. auspices allows the voluntary redeployment of officers across entity lines to redress ethnic imbalances. By year's end, 33 officers had volunteered for redeployment (22 from the Federation and 11 from the RS). Police officials attempted to recruit more minority candidates; individual cantons in the Federation held positions open for minority candidates. Since 1999 international monitors have been establishing an IPTF physical presence within police facilities to ensure proper IPTF monitoring of police reforms. Authorities in the RS are implementing a policies and procedures manual that institutes, among other reforms, a public information bureau and internal affairs unit. Under these reforms, the RS authorities continue to remove officers accused of graft or brutality. Professional standards units have reviewed over 1,000 cases, substantiating approximately 35 percent of complaints received and administering punishments ranging from fines to suspensions. A total of 20 officers were removed and 16 cases were registered for criminal prosecution.

On January 14, the IPTF Commissioner removed the provisional authorization to exercise police powers from seven police officers in the Federation. The removals

were enforced for violations ranging from illegal deprivation of liberty to assault on civilians in custody and assault while off duty. In one case, an officer shot and injured a civilian while intoxicated. There were scattered reports of police brutality throughout the country, although local professional standards units were increasingly active in holding law enforcement officers, including senior officials, accountable for their actions.

In June the Human Rights Chamber ruled that the Federation army had violated the human rights of two Serbs who were shot and detained while driving near Sarajevo in 1996. The two were detained at various locations for over a month before appearing before a judge and were released 15 days later by the then-Higher Court of Sarajevo. A month after their detention, the Army launched an investigation a month after their detention into whether they had committed war crimes. The Chamber ruled that the treatment of one of the two men during detention constituted torture and that both men suffered inhuman and degrading treatment and punishment because they were Serbs. During the year, there were no reports of the Army detaining civilians.

On March 1, the Sokolac prosecutor indicted nine former RS police officers for their alleged unlawful conduct during the investigation into the murder of the Deputy Chief of the Pale Public Security Center (PSC), Srdan Knezevic, in August 1998. Among those indicted were the former RS Minister of Interior Chief of Uniformed Police (who was shot to death by unknown persons in June), Head of the Pale PSC Crime Unit, and the Chief of Staff of the Pale PSC. The charges included unlawful deprivation of freedom, extraction of statements by duress, maltreatment during the discharge of duty, illegal search, failure to render aid, and unauthorized photography. Several of the indictees had been cited by the IPTF for illegal deprivation of liberty, torture, and ill-treatment of 14 suspects and witnesses, as well as coercing several detainees into confessing and into signing incriminating statements.

Sporadic violence against international community representatives continued throughout the year. On January 31, a hand grenade was thrown at the IPTF police station in Pale in the RS, damaging three vehicles. On April 3, a hand grenade was thrown at a SFOR patrol near Modrica in the RS. Two cars and a shop were damaged. On June 21, a landmine damaged an SFOR armored personnel carrier near Gacko in the RS. Three SFOR soldiers were wounded in the incident, which followed protests against minority refugee returns to the area. On July 24, six rocket-propelled hand grenades were fired at the living quarters of the Joint Commission Observer in Zvornik. The attack was similar to one carried out in May 1998. The attack damaged the house, but did not result in any casualties. RS police arrested two suspects, and still are searching for another. On August 3, a false bomb threat was made against offices in Zenica that house international community organizations, local government, media, and NGO's. In August, an IPTF monitor was assaulted and slightly injured in the Zvornik area by unknown assailants.

Federation and RS government officials also were attacked. The private business premises of Mostar mayor Safet Orucevic were damaged in a rock throwing incident on May 15. An improvised explosive device detonated in a Travnik municipal office in June, injuring one employee. An official vehicle used by the RS Minister of Information was destroyed by an explosion in Banja Luka on June 15. In July municipal officials in Maglaj complained of death threats during the eviction of foreign-born Islamists who illegally were occupying homes owned by displaced persons. A car belonging to the head of the local refugee government department in Modrica in the RS was heavily damaged by a hand grenade on August 7. Early in the year, a cantonal judge in Sarajevo received death threats during the deportation proceedings of a naturalized Bosnian citizen who was wanted on international terrorism charges. In August the interior minister of Central Bosnia canton received threats following the arrest of a Croat war-crimes suspect. There was no progress reported by year's end in the Foca police chief's investigation of the attack of the Foca IPTF station. There was no progress reported by year's end by the RS police on the investigation of the death of municipal council member Munib Hasanovic.

A number of housing authorities responsible for implementing property law were threatened or assaulted. The head of the Banja Luka housing authority resigned after receiving death threats. He had been under pressure not to carry out evictions of Croatian Serbs and war veterans illegally occupying property owned by displaced persons. On April 10, the head of the housing authority in Bijeljina was stabbed and seriously wounded. Police determined that the assailant was a displaced person who was dissatisfied with the manner in which his case had been handled. The perpetrator was arrested and sentenced to 60 days in prison. On April 29, the head of the Stolac Housing Board was beaten by an alleged illegal occupant, who also attempted to stab him. Local police did not respond adequately and the IPTF subsequently issued two noncompliance reports against local police and continued to mon-

itor the investigation. On December 7, the head of housing in Pale resigned after receiving threats for implementing property laws.

A few violent incidents marred the municipal elections on April 8. Two such incidents were directed against the international community, while others resulted from intraethnic conflict between political parties within ethnic communities (see Section 3). There were no violent incidents involving international community representatives during the November elections, as had been the case in past elections.

Individual and societal violence motivated by ethnic conflict continued to be a serious problem, and numerous bombings, shootings, and assaults caused deaths, injuries, and significant material damage; however, violence decreased compared with 1999. Such violence often was connected to the return of refugees and displaced persons to their prewar homes in areas where the returnees are now a minority. A growing level of violence associated with criminal activity compounded the problem.

There continued to be numerous violent incidents directed at returning refugees. In Posavina, a Croat returnee's windows were broken by Croat HDZ hard-liners. There have been reports of intimidation against Serbs in Drvar. On January 18, the newly renovated house of a returning Bosniak refugee in Aladinici, near Stolac (currently a Croat majority area), was burned. The next night another Bosniak house, still under construction, was destroyed. In early March, three Bosniak houses in Janja were set on fire and three of the inhabitants injured. In March a group of Serbs in Vlasenica in the RS beat a number of Roma who had been deported from refugee camps in Italy. On March 11, a group of Serbs threw a hand grenade at a house holding more than a dozen Bosniak heads of families in Kopaci, the Serb suburb of Gorazde. The Bosniaks were the first returnees to the suburb and previously had been camped nearby in tents for more than 5 months, waiting for Serb authorities to evict illegal Serb occupants from their property.

Also in March, there were several attacks against returning Bosniaks near the RS town of Prnjavor. On March 21, a hand grenade severely injured a Bosniak male who had returned with his family to the settlement of Babanovac only 1 week earlier. On March 23, another Bosniak family physically was threatened and told to leave the area. On March 24, a hand grenade exploded and killed a Bosniak returnee who was burning trash on his property in the Prnjavor settlement of Lisnja (it remains unclear whether the grenade was placed deliberately in the fire to harm the Bosniak or merely was there by accident).

In April a group of approximately 100 Bosnian Serbs stoned 6 Bosniaks who were rebuilding their houses in Brcko. On April 26, a mine exploded in the house of a Croat returnee in the Modrica area of the RS, damaging the dwelling but injuring no one. On May 11, several buses carrying 180 Bosniak women to a memorial ceremony to mark the 8th anniversary of a massacre in the Bratunac area were stoned by an angry mob of Serbs. At least 10 Bosniak women were injured slightly by broken glass. RS authorities charged 29 Serbs for disturbing the peace several days later (see Sections 2.b. and 5). In late May there were minor attacks on Bosniak returnees and Croat IDP's outside of Stolac. The next day the governor of the canton visited the return site to criticize the incidents.

On June 21, an unidentified person fired at the office of the Association of Refugees from Derventa in Bijelo Brdo. On June 25, a hand grenade exploded under the truck of a Bosniak returnee to Janja in Bijeljina municipality. The explosion damaged the house and garage.

Arsonists set fire to more than a dozen Bosniak returnee homes in and around Srebrenica in the summer in an effort to intimidate returnees. No one was injured but property was significantly damaged and, in some instances, destroyed. One fire was timed to coincide with the July 12 ceremony at Potocari marking the 5th anniversary of the Srebrenica massacre. Several of the homes had been renovated recently. None of the perpetrators were arrested.

On July 24 a crowd of 250 Serbs, protesting against the eviction of Serbs in Janja, rioted in a Bosniak neighborhood of the town, burning 2 Bosniak houses, destroying several vehicles, and stoning 6 other dwellings. Two hand grenades exploded during the incident, injuring several people. Local police and SFOR looked on without intervening. Approximately 11,000 Bosniaks lived in Janja before the war; only 700 had returned by July.

In mid-August a bomb destroyed a cafe in downtown Glamoc that was owned by a Bosniak returnee. Three days later the owner's father's rebuilt home was set on fire. The OHR dismissed the Croat mayor of Glamoc on September 8, partly due to his inaction regarding these two incidents.

On August 23, a group of Serb IDP's angry over their displaced circumstances blocked the Zvornik-Vlasenica road for several hours. When police broke up the blockade, they were assaulted by the crowd and 12 police officers were injured.

On September 9, a Bosniak house in Srebrenica, which had been empty after a Serb had vacated it, was set on fire.

On September 12, the vehicle used by the head of the Banja Luka branch of the RS Ministry for Refugees was destroyed in an explosion. The explosion appeared to have been an attempt to intimidate the official, who is in charge of evicting illegal occupants and returning refugees to Banja Luka.

In mid-December, there were two mine incidents that may have been deliberate attempts to deter Bosniaks from returning. In the destroyed village of Glogova, near the Serb town of Bratunac, a Bosniak was killed when a mine exploded while he was clearing his property. After an investigation, RS authorities concluded that the mines were recently placed as a booby trap to prevent return. In southern Bosnia, outside the Serb town of Gacko, a landmine exploded under a car carrying Bosniaks to the refugee village of Fazlagica Kula. The occupants were severely wounded, but survived. The OHR suspects that the mine was set recently. These landmine incidents prompted OHR to make a statement criticizing what appeared to be increasing violence against returnees.

There was no progress in the local authorities' investigation of a car bomb that injured a Bosnian Croat police officer in Travnik in 1999. There was no investigation into 1999 incidents of arson of homes of Bosniak returnees in Borovnica. There was no progress in the investigation by canton and Federation antiterrorism officers into a bomb explosion at the home of Ivan Saric, former middle Bosnia canton governor, in a village outside Gornje Vakuf in 1999.

While prison standards for hygiene and access to medical care meet prisoners' basic needs, overcrowding and poor, antiquated facilities are chronic problems. There was one report of a death in custody in Mostar West prison (see Section 1.a.).

International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

d. Arbitrary Arrest, Detention, or Exile.—There were fewer cases of arbitrary arrest and detention in both the Federation and the RS compared with 1999. In prior years, police in both entities enjoyed great latitude based on Communist-era criminal procedure laws that permitted them to detain persons for up to 6 months without bringing formal charges against them. The Federation revised these laws in 1998, removing this power from police and vesting it solely in the investigative judge. The Communist-era detention laws remain in force in the RS.

Federation law permits prearrest detention of up to 24 hours; in the RS prearrest detention may extend for 3 days. International monitors report numerous instances in which these deadlines have been violated. In one case, a detainee was held for 11 days in the Federation before appearing before a judge. Some accused persons have been in detention for several years while awaiting a final action by the appellate court. The absence of psychiatric facilities in the Federation and RS has led to persons being detained rather than properly treated.

Human rights NGO's contend that there are cases in which persons who ostensibly are detained on criminal charges actually are incarcerated for political reasons. For example, Ibrahim Djedovic, a parliamentary deputy for the Democratic National Union (DNZ), which the ruling Bosniak SDA views as a renegade party due to its activities during the war, was arrested and jailed in May 1997 for war crimes, after he arrived in Sarajevo to take up his parliamentary seat. The ICTY investigated Djedovic and decided not to arrest him for his alleged activities. Most local and international observers believe that Djedovic was arrested due to his political affiliation and not because of alleged war crimes. Although the Sarajevo cantonal court convicted and sentenced Djedovic to 10 years in 1998, he was released in March after winning an appeal and returned to his seat in the Federation Parliament.

There were no reports that forced exile generally was used as a legal punishment. There were no reports during the year of attempts by local Croat authorities to expel returning Serbs in some Croat-dominated areas of the Federation, as had been the case in the past. However, Croat hard-liners in Capljina continued to intimidate Serb returnees. The Croatian Government also continued to deny electricity to Serb returnees in Ivanica, a small town in Bosnia near Dubrovnik.

e. Denial of Fair Public Trial.—Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and the ruling nationalist political parties continue to influence the judicial system. Party affiliation and political connections weighed heavily in the appointment of prosecutors and judges. The legal system is unable to adequately protect the rights of either victims or criminal defendants because of its inefficient criminal procedure codes and complicated trial procedures.

The judicial hierarchy in the Federation varies among its different constituent cantons. In the seven mixed or Bosniak cantons, original court jurisdiction exists in

both municipal and cantonal courts, with more serious offenses typically tried in the cantonal courts. Appeals are taken to the Federation Supreme Court. However, in the three Croat-dominated cantons, the municipal courts have exclusive original jurisdiction over all offenses, and appeals are heard by the cantonal courts. The Croat-dominated cantons refuse to recognize the appellate jurisdiction of the Federation Supreme Court; however, no litigant has attempted to appeal to the Federation Supreme Court yet. The differing judicial practices in the cantons of the Federation present obstacles to prosecutors, criminal defendants, defense attorneys, and civil litigants and their attorneys.

In August 1999, the OHR imposed a law allowing the Federation Supreme Court to claim immediate jurisdiction as the "court of first instance" in cases involving terrorism, organized crime, smuggling, and intercantonal crime, which would be difficult for lower courts to try because of pressure from political parties. However, no such cases had been tried in the Supreme Court by year's end.

The Federation Constitution provides for the appointment of judges by the President, with the concurrence of the Vice President and the approval of the Assembly, to an initial term of 5 years. Judges may be reappointed following this initial term to serve until the age of 70.

The RS judicial hierarchy includes a Supreme Court to provide for the unified enforcement of the law and a Constitutional Court to assure conformity of laws, regulations, and general enactments with the Constitution. The RS has both municipal and district courts, with the district courts having appellate jurisdiction. Judges are appointed and recalled by the National Assembly and have life tenure.

In June 1999, judicial associations in both entities adopted identical codes of ethics for judges and prosecutors. In August 1999, the OHR imposed laws strengthening the Federation prosecutor's office and protecting the identity of witnesses in sensitive cases in the Federation. There have been no test cases to date, however. The international community continued training programs in the Federation to familiarize judges, prosecutors, defense attorneys, and the police with the Federation's reformed Criminal Code, which entered into effect in November 1998. The RS has not adopted similar criminal law reforms yet. Some NGO's expressed concern over the judicial selection process in eight federation cantons, especially in Sarajevo and Tuzla. Legal experts argued that the laws on judicial selection in those two cantons were inconsistent with the canton and Federation Constitutions.

Both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman. The Chamber may consider alleged violations of the European Convention on Human Rights if the matter is within the responsibility of one of the parties to the Dayton Agreement and occurred after its signing. Decisions of the Chamber are final and may not be appealed to the Constitutional Court. The Ombudsman may investigate allegations of human rights abuses either on his or her own initiative or in response to any party, or may refer matters to the Chamber.

Human rights organizations reported that judicial institutions in both entities were controlled or influenced by the ruling parties. Likewise, the various prosecutorial offices throughout the two entities remained subject to political pressure. There were numerous anecdotal reports of politicians pressuring judges to rule in favor of the local party members in cases before the courts. Courts often were reluctant or unwilling to try cases of human rights abuse referred to them. A lack of resources and a huge backlog of unresolved cases provided a convenient excuse for judicial inaction. Even when the courts rendered a fair judgment, local officials often refused to implement their decisions. This was especially the case for those who won decisions mandating eviction of illegal occupants from their property, although this improved somewhat during the year under pressure from the international community. In addition, organized crime elements sought to pressure judges, especially in central Bosnia and Herzeg-Neretva canton.

The Federation and the RS maintain separate structures of courts and prosecutive agencies, with little or no cooperation across the entity line. Although there have been isolated instances in which the 1998 Memorandum on Inter-Entity Legal Cooperation has been used successfully, little sustainable progress has been made in creating viable and effective structures for such cooperation. For example, there is no mechanism between the Ministries of Interior to enable arrest warrants to be executed throughout the country.

In the Federation, the High Representative implemented the Law on Judicial and Prosecutorial Service on May 17. In the RS, the National Assembly adopted the Law on Courts and Court Service and the Law on the Public Prosecutor's Office. These laws provide a merit-based, nonpolitical structure for the appointment and dismissal

of judges and prosecutors and provide uniform standards for their professional conduct. The laws provide for a review period, during which all prosecutors and sitting judges who fall below the standard of professionalism set out in the laws will be removed. Review commissions were established in June and began reviewing files in September.

The caseload of the Human Rights Chamber continued to grow rapidly (see section 4) as more citizens turned to the Chamber to redress human rights violations after national institutions and domestic courts failed to provide an effective remedy.

In February the Human Rights Chamber ordered a retrial for Sretko Damjanovic, who was convicted by a military court in Sarajevo in 1993 of war crimes against the civilian population. The Chamber ruled that Damjanovic had not been granted a fair trial in the proceedings that led to the rejection of his petition for a retrial. In May and October 1997, the Sarajevo Cantonal Court had denied his request to reopen proceedings and his appeal was finally rejected by the Federation Supreme Court in February 1998. The Chamber stated that the cantonal court's reasoning for rejecting the appeal was "grossly inadequate and devoid of the appearance of fairness" and that Damjanovic did not have a fair chance to appeal to the Federation Supreme Court.

In February the Sarajevo Cantonal Court acquitted Bosniak Ibrahim Djedovic of charges of war crimes. Djedovic had been convicted and sentenced to 10 years' imprisonment in October 1998, after a trial that was viewed by international observers as unfair.

On August 4, Sarajevo Canton police arrested former Interior Minister and Bosniak organized crime figure Alija Delimustafic on "abuse of power" charges filed by the Federation Prosecutor. Delimustafic is purported to have ties across the political spectrum. Some observers believe that his arrest and arraignment indicate that the Bosnian judicial system is attempting to address the most serious corruption cases. Others are doubtful that the law enforcement community will have the political support to successfully prosecute the case.

No new trial was held in the May 1999 RS Supreme Court case in which the court ruled that three Bosniaks were wrongfully convicted of 1996 murders of four woodcutters.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to "private and family life, home and correspondence" and the right to protection of property; however, authorities in all areas infringed on citizens' privacy rights.

In the RS, police routinely conduct searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. This problem has not been observed in the Federation.

Since the war, large numbers of citizens have been unable to reclaim their real property, either private or collectively owned, to which they had occupancy rights under the Communist system. Enactment of property legislation has proceeded in both entities under pressure from the international community. In October 1999, the High Representative issued several directives intended to accelerate evictions and enable more returns. However, implementation of the revised property laws has been extremely slow. In the Federation, as of the end of October, 54 percent of the property claims had been adjudicated and 25 percent of the property returned. As of the same time in the RS, only 28 percent of the property claims had been decided and 11 percent of property returned. By some estimates, resolving property claims in the RS at the current rate will take another 10 years. The political leadership at all levels in both entities, but especially in the RS and in Croat areas of Herzegovina, continues to obstruct minority returns by delaying needed reforms and not implementing evictions and other property-related decisions. In Sarajevo, delays persisted due to the large backlog of cases, but political manipulation and obstruction decreased. During the year, approximately 10,000 Serbs returned to Sarajevo Canton, usually because of evictions of illegal occupants from their homes.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest way to obtain, retain, or regain employment, especially in the management of socially owned enterprises (see Sections 2.b., 3, and 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides a general statement supporting freedom of speech and of the press. Actual laws regarding freedom of the press are delegated to the cantons in the Federation and to the central authorities in the RS. Freedom of speech and of the press was respected partially in the Federation and in the western RS, but to a lesser extent in the eastern RS. Within the

Federation, press freedom was restricted more severely in Croat-majority areas. The primary restraints on press freedom are control of the principal media by governing political parties and the politicized use of tax and financial inspections instigated by the dominant nationalist parties. In Croat-majority areas of the Federation, party-controlled media are the dominant electronic media and source of information. While there were some improvements in the development of a free and independent press, most media continued to be biased noticeably. In addition, threats to journalists from Government and extremist groups increased during the year.

Some opposition and independent newspapers operate in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. *Dnevni Avaz*, which in the past was controlled largely by the SDA party, is the daily with the highest circulation. It has noticeably distanced itself from the SDA during the year. *Dani* and *Slobodna Bosna* are the most influential independent magazines in the Federation. One of the few independent magazines in the RS is *Reporter*, a weekly published by a former correspondent of the Belgrade-based independent magazine *Vreme*. *Nezavisne Novine* is an independent newspaper published previously only in the RS, but is now distributed in the Federation.

There are two printing facilities in the Federation; the government-controlled *Okolo* company and the facility owned by the newspaper *Dnevni Avaz*. After a series of labor strikes at *Okolo* in late June, *Dnevni Avaz* took over printing of almost all publications previously printed by *Okolo* until the strike ended several months later. In the RS, the state-owned printing company, *Glas Srpski*, has a virtual monopoly.

The ruling parties exerted economic pressure by refusing to allow state-owned companies to advertise in the independent media. Some independent media in the two entities, for example, *Dani* and *Reporter*, assist in the distribution of each other's publications in their respective entities.

The number of registered threats against journalists increased during the year. The Organization for Security and Cooperation in Europe (OSCE)-sponsored media helpline, established in November 1999, registered 128 cases of possible violations of the rights of journalists from November 1999 through October. Complaints of abuses to the helpline increased markedly during the April municipal elections and the November general elections. Intimidation of journalists and media outlets most commonly took the form of verbal or written threats to stop a particular line of inquiry or a concerted effort to harass media outlets through the misuse of government agencies, by performing tax audits or cutting off power and telephone lines. Groundless defamation lawsuits also were used against journalists, as well as actual physical attacks.

In a survey conducted among representatives of 50 media outlets attending a countrywide journalist conference, 62 percent responded that they personally had experienced intimidation and interference with their work, including direct and indirect pressure applied by both political parties and elected or appointed officials.

In April a journalist for *Dnevni Avaz* was assaulted by the driver of Federation Prime Minister Edhem Bicakcic, allegedly because of critical articles about the Prime Minister. Bicakcic initially refused to take responsibility for the actions of his driver or to discipline him, but after strong pressure from the international community, he took mild disciplinary action.

Zeljko Kopanja, the editor in chief of *Nezavisne Novine* who lost both legs in a car bomb in October 1999, was threatened several times during the year by unknown persons. In June RS authorities arrested six individuals, including two former members of the RS police antiterrorist brigade, for attempted blackmail of Kopanja; however, they had not been charged in connection with the bombing by year's end.

On June 10, Edin Avdic, a journalist from the weekly *Slobodna Bosna*, was assaulted at the entrance to his home hours after he received verbal threats from SDA Chief of Cultural Affairs Muhamed Korda. The journalist claims Korda warned him to stop writing articles about the cultural activities of the SDA. Avdic claimed that his attackers repeated the warning and added that next time he would be killed.

On August 12, Srpsko Oslobodenje journalist Ljubisa Lazic was assaulted on the premises of Radio Srpsko Sarajevo by Marko Asanin, president of the regional board of the Srpsko Sarajevo Independent Party of Social Democrats (SNSD). According to Lazic, the attack was allegedly the culmination of a series of threats and harassment by Asanin, who at one point attempted to have local media excluded from sessions of the assembly of the Srpsko Novo Sarajevo municipality.

On September 20 in Dobo, municipal SDS leader Milan Ninkovic publicly threatened Radio ZOS director and Oslobodenje correspondent Azemina Mulahuseinovic during an interview on NTV Dobo. On October 9, Deputy Manager of *Glas Srpski* Anton Kasipovic sustained serious head injuries during an assault by unknown persons. The police conducted an investigation but there was no progress at year's end.

In April leaflets were distributed in the hard-line Croat town of Livno insulting the editor in chief of the independent radio station Studio N and one of its journalists. The pamphlet accused the two of being "miserable mercenaries" and "spitting and vomiting on everything that represents Croat legal authority in Livno." Studio N had been the object of politically motivated pressures in the past, including the March 1999 beating of the wife of the journalist mentioned in the pamphlet.

On June 6, tax authorities raided the daily Dnevni Avaz. Agents of the Federation Tax Administration initially arrived without explanation or a court order. These provisions were eventually met, but only after distribution of the newspaper was delayed. The Tax Administration subsequently presented Dnevni Avaz with a bill for \$450,000 (928,000 KM) for unpaid taxes in 1998, which the newspaper contested and claimed it is unable to pay. The raid followed the newspaper's transformation from partisan reporting in favor of the nationalist SDA party to more neutral reporting. The newspaper's transformation began in late 1999, before the April municipal elections, in which the SDA fared poorly. Editor in chief Mensur Osmovic said the newspaper had received threats from the SDA leadership for months and claimed that the main reason for the audit was Dnevni Avaz's articles about corruption implicating SDA leaders. Federation Prime Minister Edhem Bicakcic publicly attributed SDA losses in the elections to loss of control over the media and explicitly said Dnevni Avaz had to be brought under control.

There was a decrease in the selective application of the slander laws by authorities to punish opponents since the High Representative suspended criminal penalties for libel in July 1999. Previously the possibility of imprisonment for slander and libel often was used to threaten journalists. In December 1999, the Federation presented a draft Law on Compensation for Damage Caused by Defamation and Libel, which was criticized severely for the excessive fines it sanctioned. The law had not yet been adopted at year's end. Although fewer allegations of defamation are reaching the courts, the overall number of cases remains high, due to a slow rate of resolution and court backlogs.

In March Slobodna Bosna editor Senad Avdic, who was convicted of defamation in June 1999, appealed his case. Bakir Alispahic, a public official, successfully charged Avdic with defamation over articles stating that Alispahic was a party to illegal financial transactions involving several banks, including Narodna Banka. Avdic has requested that his case be retried subsequent to resolution of a case involving Narodna Banka, which revealed evidence that may support his claims.

The Independent Media Commission (IMC), established by the High Representative in 1998, is empowered to regulate broadcasting and other media in the country. In this capacity, the IMC licenses broadcasters, manages and assigns spectra for broadcasting, sets licensing fees, and enforces adherence to the code of practice. The IMC has broad authority to punish violations to the code of practice. It may issue warnings, impose fines, suspend or terminate licenses, seize equipment, and shut down operations of any broadcaster or media outlet in violation of the code of practice. The IMC issued numerous fines for violations of broadcasting standards to stations in both entities during the year.

The largest television broadcasters are Radio Television Bosnia and Herzegovina (RTV BiH) in the Federation and Radio Television of Republika Srpska (RTRS) in the RS. The international community launched the Open Broadcast Network (OBN) in 1997 as a cross-entity broadcaster and source of objective news and public affairs programming. However, only a minority of viewers cites the OBN as their key source of news. Independent television outlets include TV Hayat, Studio 99, OBN Banja Luka affiliate Alternative TV (ATV), and several small television stations located throughout the country. Some of these broadcasters originally were municipal stations. They have not yet been fully privatized, and their legal ownership status remains unclear.

The High Representative's decision of July 1999 to restructure the broadcasting system of Bosnia and Herzegovina still has not been implemented fully. The restructuring was to liquidate the existing broadcaster, Radio Television Bosnia and Herzegovina, and create a statewide public broadcasting corporation, the Public Broadcasting System of Bosnia and Herzegovina (PBS BiH). Plans to incorporate elements of the OBN into the new PBS BiH still have not been implemented due to difficulties linked to producing a quality PBS news and public affairs program.

The July 1999 decision also established Radio Television of the Federation of Bosnia and Herzegovina (RTV FBiH) as the public broadcasting company of the Federation. RTV FBiH is to broadcast on two channels offering a blend of Bosniak and Croat programming. The High Representative's decision specifies that "programming must be based on truth, must respect human dignity and different opinions and convictions, and must promote the highest standards of human rights, peace and social justice, international understanding, protection of democratic freedoms

and environment protection.” The OHR appointed all 21 members of the Board of Governors, including the 7 members who were to have been chosen by Parliament. SDA officials attempted to delay the transition to RTV FBiH and have attempted to exert influence on members of its new Board of Governors.

The August 1999 decision by the High Representative imposing amendments to the RS broadcasting law has not been implemented fully. These amendments required Serb Radio Television (SRT) to change its name to Radio Television of Republika Srpska (RTRS). The High Representative required RTRS to comply with the country’s broadcasting laws, regulations promulgated by the IMC or its successor, and the laws of the RS. On July 27, the High Representative dismissed the RTRS Board of Governors for obstructing international efforts to improve RTRS programs and management. The High Representative mandated that the new Board work with RS authorities and international experts to develop new legislation for the RTRS to bring it into conformance with international standards for public broadcasting.

Until February Mostar-based Erotel TV conducted an extensive operation that retransmitted programs from state-run Croatian Television. The IMC declared Erotel broadcasts illegal in November 1999, but Erotel refused to go off the air until the IMC, with SFOR and OHR assistance, forcibly shut down Erotel’s transmitters on February 17. Nationalistic Croat television continued to be broadcast by HTV-Mostar, which is owned by the three Croat municipalities in Mostar and is financed by the HDZ.

Radio broadcasting in the Bosniak-majority areas of the Federation—particularly in Sarajevo, Zenica, and Tuzla—is diverse. Opposition viewpoints are reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. Nez Radio and Radio Pegas report a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they are usually highly nationalistic. Local Croat authorities do not tolerate opposition viewpoints. One exception is Studio 88, in Mostar, which broadcasts reports from both sides of that ethnically divided city.

Academic freedom was constrained. In the Federation, Serbs and Croats complained that SDA party members receive special treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka limits its appointments to Serbs. All institutions suffer from a lack of resources and staff. The University of Mostar remains divided into eastern and western branches, reflecting the continued ethnic divide in the city. However, the East Mostar University, despite persistent reports of ethnic discrimination, has significant ethnic diversity in its student body and staff. The rector of West Mostar University, Marko Tadic, was forced out of office by the university board of directors following his efforts to reform the University, which has been politicized and dominated by Croat nationalists since the war. Tadic had introduced strict standards for hiring and retention of faculty, removed photos of Croatian generals and other nationalist symbols, initiated contact with the Bosniak University in East Mostar, and proposed a review of the legitimacy of degrees issued during and immediately following the war.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, authorities imposed some limits on this right in practice. Opposition political parties freely staged rallies and campaign events during the April and November elections in Bosniak-dominated areas, although several parties decided not to operate in Croat-dominated areas out of concern for their safety. In the November election campaign, the SDP and other multi-ethnic parties increased their campaign activities in the RS; however, in general few non-Serb opposition parties or candidates campaigned in the RS (see Section 3).

Refugees returning to visit homes in the RS or commemorate war dead were harassed and subject to violence in several incidents. On May 11, several buses carrying 180 Bosniak women to a memorial ceremony to mark the 8th anniversary of a massacre in the Bratunac area were stoned by an angry mob of Serbs. At least 10 Bosniak women were slightly injured by broken glass. RS authorities charged 29 Serbs for disturbing the peace several days later (see Section 1.c.).

The Constitution provides for freedom of association, and a wide range of social, cultural, and political organizations functioned without interference; however, authorities imposed some limits on this right and indirect pressure constrained the activities of some groups. Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the state-owned sector of the economy (see Section 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, including private and public worship, and in general, individuals enjoyed this right in predominately mixed and religious majority areas. However, the efforts of individuals

to worship in areas in which they are an ethnic and religious minority were restricted by government and institutional harassment, and sometimes by societal violence. Some incidents resulted in damage to religious edifices and cemeteries.

Administrative and financial obstacles to rebuilding religious structures impeded the ability of minorities to worship and even impeded their return in many areas. RS authorities have obstructed attempts to rebuild the 83 mosques in the RS that were destroyed during the war. A June 1999 Human Rights Chamber decision ordering the RS to swiftly grant the Islamic community the necessary permits for reconstruction of seven of Banja Luka's destroyed mosques largely has been ignored. RS authorities refused to issue necessary permits for the reconstruction of any of the mosques or other Islamic community-owned buildings in Banja Luka, particularly the symbolically important Ferhadija Central Mosque. The RS government allowed the Muslim community to block off the site, but has not yet allowed reconstruction to begin. In December Ivan Mandic, an HDZ hard-liner and the head of Mostar Municipality Southwest (MSW) refused to grant permission for reconstruction of Baba Besir Mosque, one of three mosques in MSW that were destroyed during the war. Reconstruction of a mosque near Zvornik began in May, and Islamic leaders declared reconstruction of a mosque in Kozarac complete in August.

In December the Human Rights Chamber concluded that local authorities in Bijelina had prevented reconstruction of five mosques that had been destroyed in 1993 and had allowed buildings to be constructed on two of the former mosque sites, a parking lot on one, and flea markets on the remaining two. RS authorities had ignored an order by the Chamber in 1999 to halt construction on one site. The Chamber ordered that permits be granted for reconstruction of the five mosques. No action by the authorities has been taken by year's end.

In February the Human Rights Chamber determined that the municipal government of Prnjavor, in the RS, had discriminated against its Islamic community by closing the local Muslim cemetery. The municipal government had ordered a Bosniak to move his deceased wife's remains from the Muslim cemetery to a "new" Muslim cemetery. At a February 1999 Human Rights Chamber hearing concerning the case, evidence indicated that there was in fact no new Muslim cemetery in the area and that no reasonable grounds existed for closing the old Muslim cemetery (nearby Catholic and Orthodox cemeteries remained open). Prnjavor municipal authorities were ordered to allow burials within a month. By the end of the year, Prnjavor authorities had complied with the order and removed the ban on Muslim burials.

Public schools offer religious education classes, which, in theory, are optional. However, schools generally do not hire teachers to offer religious education classes to students of minority religions. In some cases, children who choose not to attend the religion classes offered are subject to pressure and discrimination from peers and teachers. Schools in Sarajevo canton, except for non-Bosniak schools, offer only Islamic religion classes. In Croat-majority West Mostar, minority students theoretically have the right to take classes in non-Catholic religions; however, this option does not exist in practice. Orthodox symbols are present in public schools throughout the RS. For a variety of reasons, minority families with children have been slow to return to the RS. Consequently, municipalities have not been compelled yet to address the issue of minority religious education. On May 10, the Education Ministries of both entities and the Deputy Federation Education Minister agreed on a standard curriculum, which requires all schools to teach the shared cultural heritage of all three communities.

In Bosniak-dominated Zenica, the Catholic school closed temporarily in March after school officials received a bomb threat. Although local authorities later discovered that the threat was a hoax, Zenica's few remaining Catholics are concerned for their safety. On June 25, an explosive device destroyed a Catholic chapel in Zivinice.

In Croat-dominated areas of Herzegovina, Muslims feel pressure not to practice their religion in public and have been the subject of violent attacks. For example, in the Croat-dominated western Bosnian town of Glamoc, a building housing all of the local Muslim organizations and the apartment of a Muslim cleric was bombed and damaged seriously in April.

In April RS Prime Minister Milorad Dodik shared the stage at an interfaith conference in the RS government's headquarters in Banja Luka with the newly appointed Mufti of Banja Luka and three other Muslim clerics. In Mostar religious leaders representing all groups except Catholics attended celebrations for Muslim, Jewish, and Orthodox holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for "the right to liberty of movement and residence," and freedom of movement, including across the IEBL, continued to improve; however, some limits remained in practice. The IPTF and SFOR completed the dis-

mantling of all permanent police checkpoints in 1999, greatly enhancing freedom of movement.

Freedom of movement improved significantly with the introduction of universal license plates in 1998. The new plates do not identify the vehicles as being registered in predominantly Bosniak, Bosnian Serb, or Bosnian Croat areas.

Accurate statistics on refugee returns remained difficult to obtain. According to the U.N. High Commissioner for Refugees (UNHCR), between the end of the war in 1995 and October 31, 364,391 persons who left the country had returned. More than 174,000 returned from Germany alone, due to the German Government's policy of actively pressuring refugees to return to Bosnia. Most of those returning from Europe were unable to return to their prewar homes in the RS. Efforts by hard-line Croats to resettle returning refugees and consolidate the results of ethnic cleansing have ceased for the most part. The UNHCR reported that during the year there were 67,445 registered minority returns countrywide. Although the return figures are much less exact for those returning from other places within the country, the UNHCR reported that 336,504 IDP's returned to their prewar homes between the end of the war and October, or roughly 20,000 during the year. While different refugee organizations provide different estimates on the numbers of minority returns, they all agree that the rate of minority returns during the year was more than twice that of 1999.

In the spring, the international community began a concerted effort to compel the entity authorities to implement the property laws. Pressure from OHR (more than 20 obstructionist officials were dismissed in late December 1999) and a publicity campaign in the local media reinforced the message that illegal occupancies could not continue indefinitely. By the spring, with the pace of evictions growing rapidly, particularly in the RS, the number of returns also increased. Families and individuals increasingly abandoned occupied property voluntarily, with some returning to their heavily damaged or even destroyed dwellings. Although many of such returnees were Bosniaks, substantial numbers were Serbs and Croats. According to the UNHCR, 35,836 Bosniaks, 11,591 Croats, and 18,852 Serbs returned to areas where they are in the minority.

Pressure from evictions, combined with an increased sense of security in most areas of the country and an awareness that international assistance was not inexhaustible, prompted an increase in returns during the first half of the year. By April the rate of return was three times higher than for the same period in 1999. Although the pace decreased somewhat over the summer as it became apparent that reconstruction assistance would not be able to match the number of returnees, the rate of returns during the year was more than twice that of 1999. Thousands of returnees lived in tents or improvised shelters in their former villages and towns, hoping for assistance in rebuilding their homes.

However, many problems remained to prevent returns, including the obstruction by hard-liners of implementation of property legislation, political pressure for individuals to remain displaced in order to increase ethnic homogeneity of the population in a specific area, and the lack of an ethnically neutral curriculum in public schools (see Section 5). For example, the European Roma Rights Center (ERRC) reported that Roma from the RS (most of whom are Muslim) who were forced out of their homes allegedly have had serious difficulties returning to their prewar homes. The ERRC reported that Roma have had to pay financial compensation, ranging from \$1,500 to \$5,000 (3,000 to 10,000 KM) to Serbs occupying their prewar homes in order to move back. The ERRC also reported that some Roma's homes are occupied by RS government bodies.

The 1998 Sarajevo Declaration was intended to showcase Sarajevo as a model city in terms of tolerance. The declaration was to provide for improvements in areas that hindered return: Legislation, housing, security and public order, employment, and education, with a goal of 20,000 minority returns for the canton during 1998. This number of returns was not reached until February. During the year, with the implementation of the October 1999 revised property laws, the rate of evictions in the city increased considerably and the pace of decisions increased; however, a large backlog of cases remains. Many of those evicted returned to their destroyed property in the eastern RS, where some received reconstruction assistance.

During 1998 the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned and repaired by a Dutch company. Prewar residents continue to wait to return to these apartments, while authorities encouraged occupants to begin the purchasing process. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber. No returns to former JNA apartments have taken place. There have been no reports to indicate progress in resolving this issue during the period covered by this report.

The continued influence of ethnic separatists in positions of authority also hindered minority returns. Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns. IDP's living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently were pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence. In particular, IDP's in the hard-line RS areas of Bratunac and Srebrenica, mostly from Sarajevo, were intimidated from attempting to return (see Section 1.c.). For example, in June Serb IDP's living in Kotorsko blocked the main Sarajevo-Brod highway for several hours after Bosniaks began returning to the village to clean their property. The Serbs were angry because they were unable to return to their homes in Vozuca, which continue to be occupied by Bosniak refugees from Srebrenica. Several days after the blockade, Bosniaks blocked another portion of the highway to call attention to Serb harassment and intimidation, which was obstructing their return to Kotorsko. In mid-July several hundred Bosniaks blocked a main road near Maglaj, in central Bosnia, to protest the impending eviction of Muslim fundamentalist families occupying Serb property in the village of Bocinja. The blockade lasted for several days. However, within weeks of the end of the blockade, authorities began evicting Muslim families from Bocinja without incident.

Despite these obstacles, ethnic minority refugees and IDP's began returning to their destroyed villages in increasing numbers in some areas of Herzegovina and the eastern RS. For example, in the spring Bosniaks began returning to Zepa, the outskirts of Foca, and even villages near Visegrad. In the summer, several Bosniaks returned to Srebrenica town, and dozens more returned to several outlying villages. Elsewhere in the RS, Bosniaks began returning to the center of Prijedor and Doboje. Serb returns accelerated in the Capljina area of Herzegovina. However, local government officials continue to obstruct minority returns to Drvar and to harass Serb returnees.

Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's (see Section 1.c.).

The increased number of ethnically integrated police forces helped improve the climate for returns, although security remained inadequate in some areas.

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. As a result, most minority returnees were elderly. This placed a burden on receiving municipalities. Younger minority group members, who depend on adequate wages to support families, generally remained displaced, especially in cases in which they had managed over the past 7 years to find work.

Officially, the Government grants asylum and refugee status in accordance with international standards. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. During the year, approximately 3,000 refugees from the Kosovo conflict continued to reside in refugee camps in Bosnia. Some are planning to return to Kosovo, with some seeking asylum abroad. Approximately 5,000 to 10,000 Serbs who fled Kosovo or Serbia during the Kosovo confrontation are believed to be in the RS in private accommodation. Less than 1,000 Sandzaks are believed to still reside in private homes. There were no reports of the forced return of persons to a place where they feared persecution.

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

Although a permanent election law is not yet in place, the Dayton Accords commit the parties to "ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment" and to ensure the right to "vote in secret without fear or intimidation." The Dayton Peace Accords gave the OSCE primary responsibility for the organization and supervision of the country's post-war elections. The OSCE organized and supervised general elections in 1996, 1998, and November; municipal elections in 1997 and April; and special elections for the RS National Assembly in 1997. The OSCE released a draft of the election law in December 1999 that would transfer responsibilities for running elections to the Government, but it has not been adopted yet by the Parliament.

In July President Alija Izetbegovic announced that he would resign from the three-person Bosnian presidency in October. Because the Bosnian Constitution did not specify the succession procedure, the parliamentary assembly adopted a controversial law establishing a procedure that gave final decision to the indirectly elected House of Peoples over the House of Representatives. Wolfgang Petritsch, the High Representative for Bosnia and Herzegovina, imposed an amendment to rectify

this shortcoming. The Bosniak speaker of the Parliament, Halid Genjac, was named to serve as Izetbegovic's temporary replacement. At year's end, a permanent replacement had not been elected.

The November general elections were held without violence, although there were incidents of voter intimidation, multiple voting, and illegal preelection campaigning. The OSCE issued 28 decisions sanctioning or censuring parties or individuals for violations of election rules, ranging from slogans fostering ethnic hatred to obstructing audits of party financing. While most voting irregularities were not significant enough to influence the outcome, an HDZ-organized referendum held on election day provided a platform for nationalist rhetoric that likely increased support for nationalist parties, particularly among Croat and Bosniak voters. Voter turnout during the April and November elections was around 65 percent. Compared with previous years, there was a large decrease in the number of absentee ballots during both elections; however, such a decrease most likely was a result of refugee returns to Bosnia and a lower level of interest among voters abroad. By the end of the year, the process of implementing results of the November general elections was still underway.

Municipal elections held in April largely were peaceful; however, several incidents, some violent, occurred. Two incidents were directed against the international community, while others resulted from conflict between political parties within ethnic groups. A Bosnian Serb male, acting alone, attacked an IPTF member with a stick near a polling place in Bijeljina in the RS. The OSCE reported that there were no major attempts at fraud, manipulation, or disruption of the election process, but observers noted widespread problems with incomplete voting lists that discouraged or prevented some citizens from voting. While nationalist parties in Serb- and Croat-dominated areas continued to attract the support of a significant portion of the electorate, the moderate, multiethnic parties, such as the SDP, gained strength. A number of electoral reforms that are contained in the draft election law, including provisions for preferential and open list voting, multimember constituencies, and new campaign finance regulations, were applied during the April municipal elections.

Implementation of the results of the April municipal elections was smoother than in 1997, according to the OSCE. A greater familiarity with the laws at the local level improved the process, although 5 months after the elections, 20 of the 146 municipalities had still not completely implemented the results. The OSCE screening of candidates to eliminate those candidates who illegally occupied refugee homes, held conflicting positions, or who previously had been removed from office by the High Representative, partially contributed to the delay. Obstructionism caused delays in some municipalities, such as in Vares, where the SDA repeatedly nominated unacceptable candidates who were rejected by the OSCE.

Continued party control of the media and security apparatus precluded full citizen participation without intimidation, especially in Bosnian Croat areas and parts of the RS. To varying degrees, all major parties attempted to exclude other parties in areas they control. This was especially true in areas controlled by the SDS or the HDZ. However, observers believe that recent changes to the media law in the RS and the new media law in the Federation have improved the situation somewhat (see Section 2.a.).

A democratically elected, multiethnic local government is to administer the Brcko municipality as a district under the direct oversight of the Brcko supervisor. Until new laws are issued or existing laws adapted, the supervisor retains discretion as to which laws, Federation or RS, are to apply in Brcko. A new district statute was issued by the supervisor on December 7 1999, and a districtwide multiethnic police force was established officially in January.

Women generally are underrepresented in government and politics, although a few women, such as the former President of the RS, have occupied prominent positions. In the three legislatures, women were underrepresented seriously. To address this concern, election rules established by the OSCE prior to the 1998 general elections required parties to include no fewer than 3 members of each gender among the top 10 names on their candidate lists. However, in the state-level House of Representatives (lower house), 2 of 42 deputies are women, compared with 12 before the November elections. There were no women in the state-level House of Peoples (upper house), whose representatives are appointed by the entity legislatures, prior to the November elections; the current upper house still was being formed by year's end. In the Federation legislature, 21 of 140 deputies in the House of Representatives are women. In the RS unicameral legislature, 15 of 83 deputies are women, compared with 19 before the most recent elections. During the April municipal elections, the Provisional Election Commission mandated that one in every three can-

didates be a woman. 590 women were elected, constituting 18 percent of successful candidates.

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

The authorities generally permitted outside investigations of alleged human rights violations. International and local NGO's involved in human rights appear to operate with relative freedom. The OHR reports that foreign government and NGO human rights monitors were able to travel without restriction in all areas of the country. International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

While monitors enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or outright refusal.

The caseload of the Human Rights Chamber and the Office of Human Rights Ombudsperson, two institutions created under Annex 6 of the Dayton Accords to investigate and adjudicate human rights violations, continued to expand during the year. During the first 11 months of the year, the Chamber's caseload increased to 6,353 registered cases and the Chamber issued 632 final case decisions. The pace of decisions issued by the Chamber increased due to the body of jurisprudence that the Chamber established in its previous 3 years of existence and to which the Chamber is now able to refer. In addition, the Chamber's increased experience in adjudicating human rights cases has led to more efficient operation. While governmental cooperation with the Chamber is still weak, the Federation made progress in implementing Chamber decisions, including many occupancy-rights cases and compensation-awards cases. While the efforts by the Federation to implement Chamber decisions have generally brought it into compliance with almost all decisions, the RS has made minimal or no effort to implement decisions of the Chamber. The cases implemented in the RS so far have required relatively simple actions by the Government, such as canceling eviction orders for residents who still were living in contested houses. In February the RS National Assembly passed a law establishing an ombudsperson committee for the RS, a three-person, multiethnic institution; the first three Ombudspersons were appointed at the end of April.

Cooperation with the ICTY in The Hague is a key factor in the implementation of the Dayton Accords and the establishment of respect for human rights. In 1998 RS Prime Minister Dodik altered the RS policy of defiance of the Tribunal and the Dayton Accords by instructing his officials to cooperate with the ICTY; however, no action was taken in practice. A majority of the 26 ICTY public indictees who remain at large reportedly live in the RS, some allegedly in Prijedor and Foca. RS authorities made no effort to arrest these indictees.

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

The parties agreed in the Dayton Accords to reject discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority. Nevertheless, there were many cases of discrimination.

Women.—Violence against women is a problem. Credible NGO observers reported that violence against women, including spousal abuse and rape, remained widespread and underreported. A report by the International Helsinki Federation for Human Rights estimates that about 30 percent of women in the country are victims of domestic violence; however, there is little data available regarding the extent of the problem. Throughout the country, rape and violent abuse are considered criminal offenses. The laws prohibit rape in both the Federation and the RS. Spousal rape and spousal abuse are also illegal in the Federation. However, domestic violence usually was not reported to the authorities; a sense of shame reportedly prevents some victims of rape from coming forward to complain to authorities.

The police have little or no training in investigating cases of domestic violence, and there were reports of police inaction in cases of domestic violence and sexual assault. According to human rights groups, in one case, a police officer from Zvornik was accused of raping two teenage girls. The father reported the incident to the local police station, but the officers on duty did not record the complaint. When the police finally interviewed the victims, the accused officer was allowed to be present in the room. The IPTF has requested an independent investigation. The OHR reported that in one case, police answering a call about domestic abuse noticed injuries on the woman and her minor daughter, but offered only to take them to the

hospital. The woman, who had previously reported other incidents of abuse to the police, later committed suicide. In Canton 4, a police officer hung up on a midnight call from a daughter calling for help when her father threatened her mother with a knife. No record of the complaint was made. The IPTF has called for an investigation and for disciplinary action against the duty officer.

Trafficking in women from Eastern Europe and the former Soviet Union for the purpose of forced prostitution is a serious and growing problem (see Section 6.f.).

It is illegal to run a brothel, but local police primarily arrest women engaged in prostitution rather than procurers or those managing the brothels. As a result, women who have been coerced or forced into prostitution have little recourse (see Section 6.f.).

There is little legal discrimination against women, and women serve as judges, doctors, and professors; however, a male-dominated society prevails in both entities, particularly in rural areas, with few women in positions of real economic power or political power.

Women have been discriminated against in the workplace in favor of demobilized soldiers, and a small but increasing number of gender-related discrimination cases have been documented. Anecdotal accounts indicate that women and men receive equal pay at socially owned enterprises but not necessarily at private businesses. Women are entitled to 12 months' maternity leave and may be required to work no more than 4 hours per day until a child is 3 years old. However, women in all parts of the country encounter problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. A woman with underage children may not be required to perform shift work.

Children.—The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. The end of the fighting brought a major improvement in the human rights of children. During the war nearly 17,000 children were killed, 35,000 were wounded, and over 1,800 were permanently disabled.

Social services for children are in extremely short supply. Disabled children lack sufficient medical care and educational opportunities. Education is free and is compulsory through the age of 15 in both the Federation and the RS. The most serious issue is the ethnic division of the education system. Students in minority areas frequently face a hostile environment in schools that do not provide an ethnically neutral setting. At times minority children are barred from attending school at all. Local education officials excuse such abuses by claiming that minority children should have their own schools and curricula. Obstruction by politicians and government officials has slowed international efforts to remove discriminatory material from textbooks and enact other needed reforms.

Steps were taken during the year to integrate minority students into some schools. In May approximately 85 Bosniak children who had been attending home schools in Stolac were integrated into the Stolac Elementary School, which previously had taught only Croat children. Similar integration took place in Vares. However, segregation and discrimination are entrenched in Bosnian schools, particularly in religious education (see Section 2.c.). For example, in Sarajevo only Muslim religion classes were offered in public schools, which denied children of other faiths the opportunity to study their own religious traditions in school. In August Romani refugees from Kosovo protested the local authorities' decision that Romani children from the Smrekovica refugee center in Breza could not attend the local primary school. Although the UNHCR had arranged for 60 Romani children from the camp to enroll in a local primary school, the mayor intervened to prevent the children from enrolling, allegedly because of a lack of space at the school. In a compromise, two rooms in the camp were converted into classrooms; however, at year's end the children still were barred from the local school.

There was no societal pattern of abuse against children. Nonetheless, they continue to suffer disproportionately from the societal stress of the postwar era. There have been credible but unconfirmed reports that children are trafficked to work in begging rings (see Sections 6.d. and 6.f.). Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

People with Disabilities.—The Federation Government is required by law to assist disabled persons to find employment and to protect them against discrimination. In the RS, discrimination against the disabled also is prohibited by law. Currently there are few jobs available, and thousands of newly disabled victims entered the job market after the war. The Government has limited resources to address the special needs of the disabled. There are no legal provisions mandating that buildings be made accessible to the physically disabled. There are a number of international NGO's that assist the disabled in the country.

Religious Minorities.—Religion and ethnicity are identified closely in the country. The Interreligious Council, established in 1997 and composed of the main leaders of the country's four major religious communities—Muslim, Serbian Orthodox, Roman Catholic, and Jewish—continued its efforts to promote national reconciliation. The OSCE and the OHR facilitated many interfaith meetings at the local level as well.

However, throughout the country, religious minorities were pressured and were intimidated by the ethnic/religious majority.

On June 25, a Catholic chapel in Zivinice in the RS reportedly was destroyed by an explosive device. Also in June, unknown persons broke into the home of a Catholic priest in Derventa parish.

RS authorities continue to impede the rebuilding of the mosques in the RS destroyed during the war, despite requests from the Muslim community for reconstruction (see Section 2.c.). Religious minorities throughout the country occasionally faced limited interference from the authorities in their right to worship freely. However, Catholic priests reported that they were able to conduct masses in the RS with little or no problems.

National/Racial/Ethnic Minorities.—Claimed “ethnic differences” were used to justify the war and remain a powerful political force in the country. Although some politicians still support the concepts of a “Greater Serbia” and a “Greater Croatia,” mixed communities exist peacefully in a growing number of areas, including Sarajevo and Tuzla. The SDS, HDZ, and to a lesser extent the primarily Bosniak SDA sought to manipulate the movement of persons and the access to housing and social services that they control to ensure that the ethnic groups with which they are associated consolidate their position in their respective geographic regions. Some hard-line local authorities in the eastern RS sought to keep information regarding the right to return and conditions in return sites from reaching displaced persons in their areas, so as to dissuade them from attempting to return to their former homes.

In 1998 the RS passed new property legislation establishing a claims process at the municipal level. The High Representative extended the deadline to file claims on socially-owned apartments until April 19. In addition in October 1999, the OHR issued a series of decrees amending a number of property laws in both entities to provide all citizens just and equal protection of their property rights, which is considered essential in order for IDP's to return to their former homes.

Despite hopeful signs in some areas, harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems included desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, assaults, and, in some cases, killings (see Sections 1.a. and 1.c.).

On April 11, a group of Bosniaks attacked five Romani men in Banovici, reportedly because the Bosniaks believed the Roma had voted for a nonnationalist political party in the municipal elections. Amnesty International reported that local police present at the scene made no effort to protect the Roma.

Ethnic tensions remained high in Brcko. In mid-October, about 1,000 Bosnian Serb students staged violent protests for 3 days to demand separate schools from those of Muslims and Croats. The protests began after a group of Bosnian Serb students beat a Bosniak student; after the beating, Bosniak students demanded better security and Serb students began calling for separate schools. Currently, Serb and Bosniak students share high school buildings but attend classes in two shifts.

Bosnian Serb and Croat politicians seek to increase the ethnic homogeneity of the population in areas they control by discouraging IDP's of their own ethnicity from returning to their prewar homes if they would be in the minority there. Hard-liners also encourage members of their groups currently living in areas where they are minorities to move to areas where their ethnic group is the majority. Hard-line Bosnian Croats continued to discourage some Croat returns to central Bosnia and actively have recruited displaced Croats to resettle in Herzegovina; however, this intimidation has decreased and 4,147 Croats returned to Central Bosnia Cantons during the year. Although the new RS Government officially supports the right to return, it continues to obstruct returns on many levels. Bosniak authorities appear tacitly to support some Bosniak resettlement efforts, including resettlement of returnees, in “strategic” areas of the Federation where Bosniaks are in the minority.

In some cases, opponents of refugee returns used violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. In mid-December in the RS, the house of a Bosnian Croat returnee from Croatia was stoned by hard-line Croats opposed to his return. While incidents of violence have decreased due to improved security and freedom of movement, other forms of discrimination have not. In particular discrimination in employment and education are now key obstacles to sustainable returns. Widespread firing of ethnic

minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often are hired over former employees who are minorities. Favoritism is also shown to veterans and families of those killed during the war. There recently have been more reported cases of employment discrimination based on political affiliation.

Vague provisions in the labor law passed in the Federation in October 1999 allowed employers to create barriers for minorities seeking to regain employment. Amendments passed in August clarified the law; however, the authorities did not enforce it consistently and discrimination persists. There were no provisions in RS law to prevent discrimination in hiring and firing outside the Constitution until passage of a labor law in September. Several court cases regarding discrimination are pending; however, workers seldom obtained protection from the courts, which barely function.

Throughout the country, membership in the political party affiliated with one's ethnic group was considered the surest method to obtain, retain, or regain employment, especially in the management of socially owned enterprises. Membership also was influential in obtaining or keeping housing (see Section 2.b.).

Section 6. Worker Rights

a. The Right of Association.—The Constitutions of the Federation and the RS provide for the right of workers to form and join unions, as do recently passed labor laws in both entities. There are no legal restrictions on who may join unions, and the right of minority workers to join unions is protected in both entities. However, in practice union membership in the RS is overwhelmingly Bosnian Serb and in the Federation overwhelmingly Bosniak. Bosnian Croats have informal labor organizations in areas where they are the dominant ethnic group, but generally are represented by the Federation union. A joint-entity union has been established in the district of Brcko. Union membership is mandatory for officially employed workers in the RS; in the Federation, approximately 70 percent of the official workforce is unionized.

Unions legally are independent of the Government and political parties, but are highly politicized. There are no legal restrictions on forming new unions; however, in practice one union confederation in each entity represents all workers. A new confederation of trade unions tried to register with the Federation, but was unsuccessful due to political interference by the established confederation. In the RS, the sector-based branches of the union confederation have become increasingly independent, and one branch successfully has broken off from the umbrella organization.

Unions have the right to strike and increasingly have used that right to pressure for payment of overdue salaries or wages, protest or demand changes in management, and voice their opinion on economic reform and government policy. Indeed, protest is often the only way to compel the payment of salaries or wages. Most strikes are legal; however, the Government claimed that some were illegal (on the grounds that they were not announced far enough in advance, or 48 hours) in an attempt to avoid negotiations. A Law on Strikes governs strike activity in both entities, and retaliation against strikers is prohibited. There were several major strikes, including those by teachers and health care workers, due to arrears in salaries of several months or more.

The Government was found to be in violation of ILO Convention 111 (on employment discrimination) and 158 (on termination of employment) in November 1999 because of its failure to act in the case of workers at Aluminj Mostar who were dismissed because of their non-Croat ethnicity during the war. Aluminj Mostar has protested the ILO ruling, arguing that it did not have the opportunity to respond to the union complaint.

Both the Federation and RS passed comprehensive labor legislation in August and September as part of loan conditions established by the World Bank and the International Monetary Fund. This legislation brings the legal code in line with most international standards; however, implementing provisions were not in place by year's end.

Unions are free to form or join federations or confederations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective agreement in the Federation; however, collective bargaining rarely is used. The substantial number of government employees, particularly in the RS, permits the Government to remain highly influential in determining the overall level of wages in each entity.

The Law on Labor in both entities prohibits discrimination by employers against union members and organizers, in accordance with ILO standards. However, discrimination continues (see Section 5).

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children; however, women and girls were trafficked for the purpose of forced prostitution (see Section 6.f). The country is a major transit point for illegal immigrants; the International Organization for Migration (IOM) confirmed one case of a man being trafficked for forced labor and held against his will (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children in the Federation and in the RS is 15 years. The law on labor prohibits children from performing hazardous work, such as night work. Child labor is not known to be a problem; however, children sometimes assist their families with farm work and odd jobs. Children are covered under the Constitution's prohibition against forced or compulsory labor, and such practices are not known to occur (see Section 6.c.). There have been credible but unconfirmed reports that children are trafficked to work in begging rings (see Section 6.f.). Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The minimum monthly wage in the Federation is \$100 (200 KM); in the RS it is \$32 (65 KM). The minimum wage was insufficient to provide for a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions.

The legal workweek is 40 hours, and overtime pay is required by law; however, "seasonal" workers may work up to 60 hours per week. Rest and vacation rules exceed international standards. For example, women are allowed 1 year of maternity leave.

Occupational safety and health regulations generally are ignored because of the demands and constraints imposed by an economy devastated by war. Neither entity has completed passage of new laws to enforce international worker rights standards. Workers cannot remove themselves from hazardous working conditions without endangering their continued employment.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons, and trafficking in women for the purpose of forced prostitution is a serious and growing problem. The country is mainly a destination point, and to a lesser extent an origin and transit point, for women and girls who are trafficked for the purpose of forced prostitution. Most victims are from Eastern Europe and the former Soviet Union. A significant number of women are manipulated or coerced into situations in which they work in brothels in conditions close to slavery. The country is extremely vulnerable to trafficking in persons, because of weak laws, almost nonexistent border controls, and corrupt police who are bribed easily. As many as 5,000 trafficked women may be working in the country. Previous estimates of the problem by the Office of the U. N. High Commissioner for Human Rights (OHCHR) were overinflated due to unavailability of hard statistics; however, credible sources report that the problem is growing. From March 1999 to January 2001, there were 384 confirmed cases of women trafficked for sexual exploitation; 236 women were returned to their home countries. The IPTF reports that they have encountered approximately 4,000 women in their raids of bars and estimate that 10 percent of the women have been trafficked. The IOM confirmed two cases of Bosnian women who were trafficked to other countries. Organized crime elements control the trafficking business.

The majority of trafficked women in Bosnia come from Moldova, Romania, and Ukraine, but also come from Russia, Belarus, Kazakhstan, and Bulgaria. The ages of the trafficked women averaged 22.8 years, ranging between 16 and 33 years of age. Less than 5 percent of the women were minors. Many of these women were lured by the promise of well-paying jobs abroad, and came in hope of improving their socioeconomic situation. Many women responded to advertisements that offered work in Italy or Germany as dancers, waitresses, and domestic servants. Most of the trafficked women cross through Yugoslavia or Hungary before entering the country. Many of them are sold in Belgrade, and from there are smuggled across the Drina river at Zvornik and Bijeljina into the country. Some traffickers brought in the women and girls specifically to work in the country's brothels. For a variety of reasons, traffickers stranded or abandoned some women en route to other countries. Some women are trafficked to Croatia to work as prostitutes there or to be trafficked to other countries. Trafficked women often are sold several times between different bar owners after arriving in Bosnia. Prices vary between \$500 and \$1,500 (1,000 to 3,000 KM) per woman, and the women often are expected to repay their "owners" this amount out of their allotted share of the earnings. There have been

reports of trafficked women being physically and sexually assaulted, denied food, and threatened. A significant proportion of the traffickers is female.

There have been credible but unconfirmed reports that children (boys and girls) are trafficked to work in begging rings, mainly in Sarajevo (see Sections 5 and 6.d.).

It is illegal to run a brothel, but local police arrest primarily women engaged in prostitution rather than procurers or those managing the brothels. As a result, women who have been coerced or forced into prostitution have little recourse. Authorities generally treat prostitution as a minor violation committed by the woman involved; however, the police do not charge employers or customers with any crimes. In most cases, the police do not conduct thorough investigations against the bar owners and others involved in the recruitment, transportation, and movement of such women, and prosecutions of those involved are rare. Women convicted of prostitution may be fined, imprisoned for 60 days, or deported. In the fall of 1999, the OHR issued directives governing police raids on brothels to ensure that trafficked women were provided assistance. While these directives reportedly have been followed, raids are infrequent. The country's deportation laws permit local police to release trafficked individuals in neighboring jurisdictions or across the border in Croatia. Police in Bihac, Gradacac, and Tuzla have broken up trafficking rings in recent years and deported the women. It is estimated that there are some 300 to 600 brothels in the country. Brothel operators reportedly earn \$50 (100 KM) per hour per woman; in some cases women forced to work in brothels reportedly receive as little as \$13 (25 KM) per month for personal expenses and are forced to find other money (often through begging) for essentials, including condoms. Other prostitutes reportedly earn \$100 (200 KM) per month. Police in the Federation and the RS arrested and deported Russian and Ukrainian women working as prostitutes.

Police officials in Brcko have been removed from office for involvement in prostitution, and there are allegations that police officers in other cities also may be involved. A May report by UNMBIH and the Office of the U.N. High Commissioner for Human Rights documented evidence of complicity by local police, international police, or SFOR in 14 out of 40 cases that it investigated between March 1999 and March 2000. In one case, an SFOR civilian paid \$3,057 (7,000 KM) to purchase two women from a brothel owner. On the basis of his misconduct, the man was relieved of his duties and barred from the SFOR area of operations; he left the country and no further action was taken.

In many cases women are afraid to testify against their traffickers and the judicial system offers them little protection. There are no witness protection programs for women who testify against their traffickers. There have been confirmed reports of witnesses being threatened in court despite the presence of local police and international representatives. Local officials have been slow to bring charges of intimidation.

The country is also a major transit point for illegal immigrants, and the IOM confirmed one case of a man being trafficked for forced labor and held against his will (see Section 6.c.).

The Government has done very little to combat the problem of trafficking. However, the IOM and several NGO's, both local and foreign, are addressing the issue. The IOM has established a program to repatriate trafficked women who seek to return home. As of November, nearly 160 women had been repatriated through IOM's program. There are a number of shelters that house trafficked women while they await return to their countries of origin.

The IPTF works with local police forces to free trafficked persons and to crack down on traffickers. However, there have been very few arrests to date. On October 30, Sarajevo Interior Ministry officers raided a nightclub and arrested 3 persons allegedly involved in trafficking the 17 women who were found there.

BULGARIA

Bulgaria is a parliamentary republic ruled by a democratically elected government. President Petar Stoyanov of the Union of Democratic Forces (UDF) began a 5-year term of office in January 1997 following his election in late 1996. UDF leader Ivan Kostov currently serves as Prime Minister. The judiciary is independent but suffers from corruption and continues to struggle with structural and staffing problems.

Internal security services are the responsibility of the Ministry of the Interior and include the National Police, the National Service for Combating Organized Crime, the National Security Service (civilian domestic intelligence), the National Gendarmerie Service (paramilitary police), and the Border Police. Although government con-

trol over the police is improving, it still is not sufficient to ensure full accountability. The Special Investigative Service (SIS), which provides investigative support to prosecutors on serious criminal cases, is a judicial branch agency and therefore not under direct government control. Some members of the police committed serious human rights abuses.

The country is in transition from an economy dominated by loss-making state enterprises, concentrated in heavy industry, to one dominated by the private sector. Around 80 percent of state assets destined for privatization—including enterprises in the chemicals, petroleum processing, and metallurgy sectors—have already been sold in a process that featured uneven degrees of transparency. Principal exports are agricultural products, tobacco products, chemicals and metals, although light industry—including textiles and apparel—is growing in importance. The private sector accounts for approximately 60 percent of gross domestic product (GDP). Following a severe economic and political crisis in early 1997, a reformist government introduced a macroeconomic stabilization program based on a currency board. The program succeeded in bringing down inflation from triple digits in 1996–97 to only 6.2 percent in 1999. The economy grew by 3.5 and 2.4 percent in 1998 and 1999, and the Government forecasts more robust growth over the next several years. Between 4 and 5 percent growth was forecast for the year. The annual per capita GDP of \$1,600 provides a relatively low standard of living.

The Government generally respected the human rights of its citizens; however, several serious problems remained in some areas, while there were improvements in a few others. The authorities were responsible for extrajudicial killings; police were responsible for the deaths of at least five persons during the year, and a Bulgarian military officer was accused of responsibility for the death of a conscript recruit. Security forces beat suspects and inmates and often arbitrarily arrested and detained persons. Problems of accountability persist and inhibit government attempts to end police abuses. Conditions in many prisons and detention facilities were harsh, and there remained some instances of prolonged pretrial detention, although the Government has noticeably improved its performance in preventing defendants' period of pre-trial detention from exceeding the statutory limit (normally 1 year). The judiciary is underpaid, understaffed, and has a heavy case backlog; corruption is a serious problem. The Government infringed on citizens' privacy rights. There were no reports of police abuse of journalists, although there were several unexplained incidents of violence against journalists by unknown parties. Constitutional restrictions on political parties formed on ethnic, racial, or religious lines effectively limit participation for some groups. Police, local government authorities, and private citizens continued to obstruct the activities of some nontraditional religious groups. Violence and discrimination against women remained serious problems. Discrimination and societal violence against Roma were serious problems, resulting in one death. Because of a lack of funds, the social service system did not assist homeless and other vulnerable children adequately, notably Romani children. Security forces harassed, physically abused, and arbitrarily arrested and detained Romani street children. Child labor was a problem. Trafficking in women and girls was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, law enforcement or military personnel killed at least six persons, of which one was a member of the Roma ethnic minority.

The Ministry of Interior Act regarding the use of firearms by law enforcement officials permits them to use firearms to apprehend persons committing crimes or who have committed crimes, even if the crimes are only minor. Law enforcement officers also may use firearms to stop the escape of a person who has been arrested for any crime.

On March 4, a police officer shot and killed Boyan Yovchev in Varna. The police officer was indicted by the military prosecutor for negligent homicide, which carries a maximum penalty of 5 years imprisonment. The defendant reached a plea bargain agreement, received a 2-year suspended sentence, and was fired from the police force.

On June 14, Miroslav Marinov died in the hospital from injuries sustained while in police custody in Vratsa. Marinov had been released from police custody shortly before his death, and reportedly told family and friends before he died that he had been beaten severely by police. A police inquiry in response to the complaint concluded that there was no evidence that police officers were responsible for Marinov's death; no charges were filed.

On July 5, Trycho Lyubomirov, a 19-year-old Roma man suspected by police of car theft, was shot and killed by police in Sofia, reputedly while attempting to flee police custody. Witnesses alleged that Lyubomirov was in handcuffs at the time that he was shot, according to human rights monitors. A police officer involved in the incident was charged by the military prosecutor with negligent use of a firearm, which carries a maximum penalty of 5 years imprisonment. The case was awaiting trial at year's end.

On August 5, Emil Arnudov of Asenovgrad was beaten severely by two on-duty policemen after he allegedly caused a disturbance in a bar. He died of his injuries on August 15. One policeman was charged with homicide by the military prosecutor as a result of the incident, and remains in custody pending trial. The second policeman was cleared of responsibility. The regional police chief received a reprimand.

On November 17, Rebin Yumer Mohamed, a 16-year-old Iraqi national of Kurdish heritage, was shot and killed by border police in an attempt to illegally cross the border into Bulgaria. Authorities stated that the boy was hit by a stray bullet, after a border patrol officer fired warning shots into the air. Mohamed was 1 of approximately 100 Kurdish refugees who were apprehended attempting the crossing. The shooting was ruled justifiable by the military prosecutor.

On November 21, Dimitur Dimitrov, a conscript soldier, died of asphyxiation while running laps while wearing a gas mask. He reportedly had been ordered to do this by his commanding officer as punishment for tardiness. An investigation into the incident was pending at year's end.

On July 28, Dimitrichka Marinova, a 41-year-old Roma woman, was shot and killed by a private security guard in the town of Dolni Chiflik, while trespassing in an apricot orchard. Police initially reported the shooting as accidental. The guard was later convicted and received a 2-year suspended sentence in a plea bargain agreement.

The case of the 1999 killing of Gancho Vuchkov was closed without an indictment. There were no developments in the 1999 killing of Tancho Vasev. There were no developments in the investigation of the death of Kostadin Sherbetov, who died in police custody in 1999.

The police officer sentenced in the 1998 killing of Yordan Yankov had his prison sentence reduced on appeal to a suspended sentence. The monetary damage penalty was allowed to stand. There were no developments in the 1998 killing of Tsvetan Kovatchev.

Two police officers involved in the 1997 beating death of Mincho Surtmachev each had their sentences reduced on appeal. One was acquitted and released by the court, while the second received a 4-year sentence, of which he served 2 1/2 years and then was released. The court confirmed the monetary damage award to the victim's family of approximately \$3500 (7000 leva). These cases are now closed.

Two suspects are known to remain under active investigation for the 1996 murder of former Prime Minister Andrey Lukanov. Police arrested one man suspected of being the killer, who remains in police custody while the case is being investigated. Angel Vasiliev, who is suspected of ordering the murder, has been released from police custody after spending 1 year in jail, but reportedly remains under investigation.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits torture and cruel, inhuman, or degrading treatment; however, despite this prohibition, police commonly beat criminal suspects and members of minorities, at times to extract false testimony. In particular security forces physically abused street children, the majority of whom are Roma.

Police are allowed to shoot any fleeing criminal suspect. On January 11, police shot and seriously injured Stefan Yordanov, a Romani man, in Burgas District. A nongovernmental organization (NGO) filed a complaint with the Regional Military Prosecution of Sliven; however, the Sliven prosecutor refused to open an investigation.

On April 29, according to unconfirmed NGO reports, a 16-year-old Rom, Tsvetalin Petrov, suffered third-degree burns after allegedly being doused with an inflammable liquid and set on fire while in custody in the Vidin police station. Petrov had been arrested for breaking and entering and theft near Vidin. Police claimed Petrov was set on fire by an unknown perpetrator. An investigation is pending with the military prosecutor's office.

On May 10, Atanas Dzhambazov, a 14-year-old Roma, was shot and wounded in the head and arm by a policeman while trespassing on the grounds of a factory near Sliven. Dzhambazov was taken to the hospital by relatives after allegedly being left at the scene by the police officer. An August 20 decision by the Sliven Military

Court found the policeman, Surchanoy, guilty of negligence and imposed a fine of about \$250 (500 leva). A civil lawsuit was pending at year's end.

On August 6, an NGO reported that police officers severely beat Orhan Ahmedov and Marin Georgiev, two Romani men from Varbitsa. Ahmedov and Georgiev filed a complaint at the Sliven Regional Police Department. The next day the two men obtained medical certificates documenting their injuries and filed a complaint with the Regional Military Prosecutor's Office of Sliven. In August the Military Prosecutor's Office opened a criminal investigation; the case remained pending at year's end.

There were no reports of police abuse of journalists; however, there were several unexplained instances of violence against journalists by unknown persons (see Section 2.a.).

According to Ministry of Interior (MOI) data, 20 cases of police brutality were confirmed for the period January 1 to June 30, out of a total of 179 complaints of police brutality filed. The police generally have refused to make investigative reports available to the public. The MOI statistics reflect only those complaints registered by the alleged victims. Human rights monitors report that they receive many more complaints from persons who are too intimidated to lodge an official complaint with the authorities.

Reports continue that criminal suspects in police custody run a significant risk of being mistreated, most often during the initial interrogation. The Bulgarian Helsinki Committee (BHC) conducted a survey in prisons of incarcerated persons arrested after January 1 and found that 49 percent (compared with 51 percent in 1999) of interviewed prisoners reported that police officers used physical force against them during arrest; 44 percent (compared with 53 percent in 1999) reported mistreatment at police stations. Romani prisoners reported being abused more frequently than other prisoners. Very seldom are allegations of police abuse properly investigated nor are the offending officers consistently punished. In particular the Military Prosecutor's office has not investigated incidents of alleged police abuse thoroughly or expeditiously.

Crime and corruption remained primary concerns of the Government during the year. It is too early to judge the long-term effects of changes in the Criminal Procedure Code, which became effective on January 1. These changes reduced the size of the SIS while reserving to it the responsibility for handling the most serious crimes. At the same time, many investigative duties were devolved to the police and the Government made a significant effort to provide training in investigative techniques to police officers. The criminal justice system is still in transition and questions about its effectiveness remain: It is not always clear exactly what duties the SIS has in fact retained, and there is little evidence that devolution of powers to police yet has resulted in increased numbers of completed investigations.

Observers have noted modest improvement in the efficiency of moving cases through the criminal system, although many serious systemic flaws remain. The police struggled without result over the difficult issue of how to resolve a large backlog of outstanding investigation cases, some as much as 10 years old, which they inherited from the former pre-reorganization investigative service.

There were several incidents of violence and harassment by private citizens of Roma during the year (see Section 5).

Many observers allege that some members of the police, particularly in remote areas, are complicit in trafficking in persons, mostly women and girls for the purpose of forced prostitution (see Sections 6.c., 6.d., and 6.f.).

Conditions in some prisons are harsh and include severe overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. The SIS's parallel network of jails and prisons contains many of the harshest detention facilities. NGO prison monitors reported that brutality committed by prison guards against inmates continued to be a problem. Prison authorities sustained their battle against tuberculosis (TB), instituting a new procedure for regular testing. The overall magnitude of the TB problem remained steady during the year. The process by which prisoners may complain of substandard conditions or of mistreatment does not function effectively.

The Government generally cooperated with requests by independent observers to monitor conditions in most prisons and detention facilities. However, unlike last year's relatively free access to SIS detention facilities, which was granted for the first time in 1999, human rights observers began to encounter significant procedural roadblocks to obtaining access. These administrative obstacles, while not denying access outright, dramatically increased the difficulty and amount of staff time on the part of observers necessary to secure access. Human rights monitors continued to enjoy good access to regular prisons. Observers still are prohibited from interviewing detainees in the SIS facilities, unlike in regular prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for protection against arbitrary arrest and detention; however, police often arbitrarily detain and arrest street children, the majority of whom are Roma.

The Constitution provides for access to legal counsel from the time of detention. However, a 1999 survey of prisoners conducted by the Bulgaria Helsinki Committee (BHC) found that 54 percent of prisoners complained that they had no lawyer present during preliminary investigations. BHC believes this figure remained broadly valid during the year. Police normally obtain a warrant from a prosecutor prior to apprehending an individual; otherwise, in emergency circumstances police may detain individuals for up to 24 hours on their own authority; however, authorities must rule on the legality of such detention by the end of that time period. If the person is released without being charged before the 24-hour period elapses, there is no judicial involvement in the case. Human rights observers charge that police commonly handle minor offenses by arresting the suspect, beating him, and releasing him within the 24-hour period. Defendants have the right to visits by family members, to examine evidence, and to know the charges against them. Charges may not be made public without the permission of the Prosecutor General. In the interests of a speedy trial, investigations now are prescribed by law to last no more than 2 months under normal circumstances, although this period may be extended to 6 months by the head regional prosecutor, and up to 9 months by the Prosecutor General.

The Government noticeably improved its record during the year in observing the statutory limit of 1 year of pre-trial detention (or 2 years in the case of the most serious crimes). While human rights lawyers noted some continuing violations of this policy, increasingly these situations have become uncommon exceptions rather than common practice. A legal consensus also seems to have emerged that the pre-trial detention limits apply cumulatively to all of the separate periods of detention, in cases where defendants' cases have been sent to the courts for review, and returned to prosecutors for further investigation. This is a change from earlier practice, when such a situation restarted the clock on the defendant's pretrial detention. A remaining loophole is that many cases may be formally deemed to be in the "on-trial" phase for an extended period of time. This occurs when a case file has been presented to the court by prosecutors, but has not yet been acted upon by the judge. Cases may, not uncommonly, languish for months in this situation, while the defendant remains in custody. The Ministry of Justice reported that as of year's end, there were 947 accused persons in pre-trial detention, 1,110 defendants incarcerated while in the "on trial" phase, and 7,514 convicted prisoners. Among the changes recently made to the Criminal Procedure Code was increased oversight by judges of pre-trial detention and conditions of bail. Under the new rules, only judges may determine the necessity of holding suspects in custody and to set bail.

In the event of a conviction, the time spent in pretrial detention is credited toward the sentence. The Constitution provides for bail, and some detainees have been released under this provision, although bail is not used widely.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—Under the Constitution, the judiciary is granted independent and coequal status with the legislature and executive branches; however, the judiciary continues to struggle with problems such as low salaries, understaffing, antiquated procedures, corruption, and a heavy backlog of cases. Partly as a legacy of communism and partly because of the court system's structural and personnel problems, many citizens have little confidence in the judicial system. Human rights groups complain that local prosecutors and magistrates sometimes fail to pursue vigorously crimes committed against minorities. Many observers believe that reforms are essential to establish a fair and impartial, as well as efficient, judicial system. The Government began an ambitious training program to upgrade the expertise of the judiciary with the help of international donor organizations during the year.

The court system consists of regional courts, district courts, and Supreme Courts of Cassation (civil and criminal appeal) and Administration. A Constitutional Court, which is separate from the rest of the court system, is empowered to rescind legislation that it considers unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers between the various branches of government. Military courts handle cases involving military personnel (including police personnel) and some cases involving national security matters. The Constitutional Court does not have specific jurisdiction in matters of military justice.

Local observers contend that organized crime influences the prosecutor's office. Few organized crime figures have been prosecuted to date, but in 1997 the Government made the battle against organized crime a priority and reformed the Penal

Code to that end. The Ministry of Interior has requested and received assistance from Western countries in its efforts to close legal loopholes and strengthen enforcement capabilities against criminal economic groupings engaged in racketeering and other illegal activities.

Judges are appointed by the 25-member Supreme Judicial Council and, after serving for 3 years, may not be removed except under limited, specified circumstances. The difficulty and rarity of replacing judges virtually regardless of performance often has been cited as a hindrance to effective law enforcement. The 12 justices on the Constitutional Court are chosen for 9-year terms as follows: One-third are elected by the National Assembly, one-third appointed by the President, and one-third elected by judicial authorities.

The Constitution stipulates that all courts shall conduct hearings in public unless the proceedings involve state security or national secrets. There were no reported complaints about limited access to courtroom proceedings. Defendants have the right to know the charges against them and are given ample time to prepare a defense. The right of appeal is provided for and is used widely. Defendants in criminal proceedings have the right to confront witnesses and to have an attorney, provided by the state if necessary in serious cases.

Human rights observers consider "Educational Boarding Schools" (formerly known as "Labor Education Schools") to which problem children can be sent as little different from penal institutions. However, since the schools are not considered prisons under the law, the procedures by which children are confined in these schools are not subject to minimal due process. Several human rights organizations have criticized this denial of due process. Children sometimes appear alone despite the requirement that parents must attend hearings; the right to an attorney at the hearing is prohibited expressly by law. Decisions in these cases are not subject to judicial review, and children typically stay in the Educational Boarding Schools for 3 years or until they reach majority age, whichever occurs first. In late 1996, the Parliament enacted legislation that provided for court review of sentencing to such schools, set a limit of a 3-year stay, and addressed other problems in these institutions (see Section 5). Human rights activists dismiss this court review provision as a formality, since the child is not present to speak on his or her own behalf (nor is the defense lawyer or the child's parents).

There was no progress in a case begun in 1993 relating to the forced assimilation and expulsion of ethnic Turks in 1984–85 and 1989. Further action on this case now appears unlikely ever to take place.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, the right to choose one's place of work and residence, and the freedom and confidentiality of correspondence, and government authorities generally respect these provisions.

One NGO complained that the Minister of Interior's discretionary authority to authorize telephone wiretaps and electronic listening devices without judicial review in certain instances is excessive. Although it is unknown to what extent this authority is employed, highly-publicized media accounts during the year highlighted the Government's employment of electronic surveillance. A public scandal ensued when a listening device was discovered in the home of the Prosecutor General, although the government denied that the device had ever been actively employed.

The Bulgaria Helsinki Committee also has alleged that warrants to investigate suspects' private financial records sometimes are abused to give police broad and openended authority to engage in far-ranging investigations of a suspect's family and associates. There are regular, albeit not conclusive or systematic, reports of mail, especially foreign mail, being delayed or opened.

Traffickers in persons use threats against women's families and family reputations to ensure obedience (see Sections 6.c. and 6.f.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. A variety of media outlets presents a broad spectrum of opinion; however, the Government exerts an undue influence on the media via official channels such as the National Council for Radio and Television (NCRT), a quasi-governmental body that governs national media and regulates private broadcasters, and through less direct means such as steering advertising revenue away from media outlets that are critical of government policies. Surveys show that significant numbers of journalists feel constrained in their reporting because of government influence. One-third of journalists surveyed claimed that they had received outside pressure of some sort, whether from government officials or business interests, in response to material they had

written or broadcast. Prosecutors are regarded widely as wielding an intimidating influence over journalists who are critical of the judicial process. A variety of newspapers are published freely by political parties and other organizations representing the full spectrum of public opinion. Journalists frequently color their reports to conform with the views of their owners.

There were several instances of violent attacks on journalists, including physical assaults and bombings of newspaper offices, although no individuals have been seriously injured. In none of the cases have the perpetrators or their motives been uncovered. In February a reporter for the news weekly *Kapital* who frequently reports on the judicial system and on military affairs had his car blown up in front of his home; no one was injured in the explosion.

Libel is punishable under the Criminal Code. In March the Parliament enacted modified amendments to the Penal Code, after President Petar Stoyanov had vetoed the original version in January. Responding to the President's concerns, the Parliament reduced the fines for libel and defamation by half to approximately \$7,000 (15,000 leva). Even this reduced fine remains a heavy penalty in the context of the country's economy. The new provisions did eliminate imprisonment as a penalty for libel. Journalists charged with libel or defamation also have reduced rights of appeal for libel sentences under the new law. Libel remains, under the new law, a criminal offense, as opposed to a matter of civil law, and makes losing defendants criminal convicts. However, press freedom monitors reported that the courts generally are embracing a more enlightened view of libel than in the past and are recognizing the principle of "true facts and free comment" as being legitimately within the bounds of journalistic expression.

In February the Interior Minister filed a libel suit against the editor in chief of the Kyustendil-based newspaper *Nova Bulgaria*, which had alleged in print that the Minister, prior to assuming office in the Interior Ministry, had defended a company involved in illegal activities. The Minister later withdrew the charges.

In June Parliament enacted a new Law on Access to Public Information, with the ostensible purpose of establishing broader public access to government information. The law has been criticized widely; however, for being vague in its provisions and enabling arbitrary denials of information. A majority of journalists believe that the new law actually hampers rather than facilitates public access to information.

There are 261 electronic media outlets in Bulgaria, which represents a 60 percent increase in the number of radio and TV stations since last year. The number of television outlets that broadcast news and public affairs programming has more than doubled from 54 in 1999 to 124 during the year, and the number of radio stations reached 123. In April the Government awarded a license for the first privately-owned television channel with nationwide coverage to the Balkan News Corporation, a company owned by Rupert Murdoch. The appearance of the new station, though still in its infancy, reanimated the competitive market for broadcast journalism talent in the country, and has spurred new programming initiatives from Bulgarian National Television (BNT). In August the State Telecommunications Commission (STC) launched a competition for a second nationwide private TV channel. The new license was awarded in October. The STC also launched a competition for licensing the first nationwide private radio station. The procedure for licensing private radio stations is undergoing regulatory changes expected to be finalized in early 2001. Some private radio stations complained that government policies allocating transmission strength on the monopoly state-owned radio transmission network gives the Bulgarian National Radio programming an unfair advantage.

Television and radio news programs on the state-owned media present opposition views, but opposition members claim that their activities and views are given less broadcast time and exposure than the those of the ruling party. There are no formal restrictions on programming; both television and radio provide a variety of news and public interest programming.

Bulgarian National Television launched Turkish-language newscasts for the first time on October 2, for the benefit of the country's ethnic Turkish minority. Local affiliates of Bulgarian National Radio broadcast limited Turkish-language programming in regions with ethnic-Turkish populations.

Foreign government radio programs such as the British Broadcasting Corporation, Deutsche Welle, Radio Free Europe, and the Voice of America have good access to commercial radio frequencies.

Private book publishing remained unhindered by political considerations.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to peaceful assembly, and the Government generally respected this right in practice. The authorities require permits for rallies and assemblies held outdoors, but most legally registered organizations routinely were granted permission to as-

semble. Vigorous political rallies and demonstrations were a common occurrence and generally took place without government interference.

The Government has undertaken to respect the rights of individuals and groups to establish freely their own political parties or other political organizations; however, there are constitutional and statutory restrictions that restrict the right of association and limit meaningful participation in the political process. For example, the Constitution forbids the formation of political parties along religious, ethnic, or racial lines and prohibits "citizens' associations" from engaging in political activity. This provision is designed to prevent the development of parties based on a single ethnic or other group that could prove divisive for national unity by stirring up ethnic tension for political purposes. Nonetheless, the mainly ethnic Turkish Movement for Rights and Freedoms (MRF) is represented in Parliament. The other major political parties generally accept the MRF's right to participate in the political process. Additionally, the mainly ethnic Roma "Free Bulgaria" party has been allowed to operate freely and has achieved some success in local elections.

The Constitution also prohibits organizations that threaten the country's territorial integrity or unity, or that incite racial, ethnic, or religious hatred. The Government has refused since 1990 to register a self-proclaimed Macedonian rights group, OMO-Iinden, on the grounds that it is separatist. Aside from its symbolic importance, lack of registration denies the group the status of being a legal entity. This makes it impossible for the organization (in its own name) to make contracts, hire staff, rent or buy office space or meeting space, or other such normal administrative functions. There were no reports of any prosecutions for membership in this group.

On February 29, the Constitutional Court, Bulgaria's final authority on the matter, ruled that the political party United Macedonian Organization (OMO)-Iinden-Pirin (not the same organization as the similarly named OMO-Iinden noted above, although there are links between the groups) was unconstitutional on separatist grounds. The court ruled that leaders of OMO-Iinden-Pirin have advocated the secession of the Pirin-Macedonia region of southwest Bulgaria and its annexation by the former Yugoslav Republic of Macedonia. OMO-Iinden-Pirin leaders plan to appeal to the European Court of Human Rights.

Notwithstanding the Constitutional Court decision, the Government allowed OMO-Iinden-Pirin to hold public celebrations on Macedonian holidays in April and again in August; however, a similar event was prohibited in September by an order of the regional prosecutor's office.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricts this right in practice for some non-Orthodox religious groups. The legal requirement that groups whose activities have a religious element register with the Council of Ministers restricted the activities of some religious groups prior to or in the absence of registration. Affected groups included the Unification Church and the Church of the Nazarene (which has tried repeatedly to register for more than 5 years). Furthermore, several municipal governments established local registration requirements for religious groups, despite the lack of clear legal authority to do so. In some cases, local authorities used the lack of registration as a pretext for interference with some groups and employed arbitrary harassment tactics against others. Some church groups circumvent the administrative obstacles created by a lack of registration by registering as NGO's. Technically it remains illegal for a church to conduct any religious activities through its NGO-registered organization, although the Government sometimes tacitly allows such groups to conduct worship so long as they keep a very low profile. There are periodic reports of police using lack of local or national registration as a pretext to confiscate signboards and materials, detain or expel religious workers, and deny visas or residence permits to foreign-national missionaries. During the year, the ability of a small number of religious groups to conduct services freely came under occasional attack, both as a result of action by local government authorities and because of public intolerance.

The Constitution designates Eastern Orthodox Christianity as the "traditional" religion. The Government provides financial support for the Eastern Orthodox Church, as well as several other religious communities perceived as holding historic places in society, such as the Muslim, Roman Catholic, and Jewish faiths. These groups benefit from a relatively high degree of governmental and public tolerance.

Religious freedom NGO's note with concern a tendency by certain municipalities to enact regulations that may be used to limit religious freedoms if a perceived need arises. For example, the Sofia municipality forbids references to miracles and healing during religious services, a provision that many fear may be employed as a pretext to ban or interrupt services by charismatic evangelical groups. The regulation cites a Communist-era law dating from 1949, which technically still is in effect and which forbids foreigners from proselytizing and administering religious services in

the country. The decree, although subsequently modified in response to NGO objections, is still criticized by religious rights groups as containing provisions that are either discriminatory or ambiguous and open to abuse. Other municipalities have enacted similar regulations. The City Council in Burgas maintained its refusal to register the local branch of Jehovah's Witnesses, despite the fact that they were registered by the central government. The council asked the group to prove that they had not been banned in any European Union country in order to be registered. Plovdiv municipality passed an ordinance that forbade the distribution in public places of "religious materials or pornography." The 1949 law also has been criticized in its own right as an outmoded potential impediment to free religious activity. However, despite the law's continued technical validity, foreign missionaries can and do receive permission to proselytize in the country. A new law on religious activity was pending in Parliament but had not yet been moved to the floor of the National Assembly for a vote by year's end.

In March two members of Jehovah's Witnesses in Turgovishte were detained briefly by police and charged with disruption of public order under a city ordinance for public proselytizing.

In April several missionaries of the Church of Jesus Christ of Latter Day Saints (aka the Mormon Church) in Plovdiv were challenged by police while distributing literature and were required to go to the police station. They were charged with distributing brochures without a license. Also in April, border police refused a member of the Jehovah's Witnesses entry into the country, reportedly on the grounds that she had been deported from the country in 1997 for practicing her then-unregistered faith.

In May a volunteer worker for the Christian Unity Foundation was beaten severely in Maritsa when he attempted to conduct a scheduled screening of a documentary-style film of the life of Jesus Christ. The film itself was stolen from his car. The attack was carried out by six to eight youths, under the apparent direction of a Bulgarian Orthodox priest.

On June 21, members of the Jehovah's Witnesses were expelled from the city of Petrich for distributing literature without being registered with the municipality, although the church does have central government registration.

In July and August, the Mormon Church encountered a number of politically inspired legal and administrative obstacles at the local and regional levels to its efforts to build a new church and administrative center in Plovdiv. One political party in particular, which has several seats on the city council in Plovdiv, led protest marches as well as filing several administrative challenges to the construction. Ultimately with the support of the local mayor, the building was completed.

On December 13, about 2,000 Orthodox clergy and Church members marched in Sofia to protest the Government's refusal to register the Holy Synod headed by Patriarch Maxim. The Government refuses to register the synod citing an administrative court ruling that there are two Orthodox Churches in the country.

There were no developments in the ongoing lawsuit of the Gabrovo schoolteacher who claims that she was pressured to resign because of her Pentecostal faith.

A number of religious groups have complained that foreign missionaries and religious leaders experience difficulties in obtaining and renewing residence visas in the country. The issuance of residence permits appears to be subject to the whim of local authorities. Human rights groups also have protested the cancellation of residence status of several persons on undisclosed national security grounds, alleging that the action was a pretext for religious discrimination.

For most registered religious groups there were no restrictions on attendance at religious services or on private religious instruction. A school for imams, a Muslim cultural center, university-level theological faculties, and religious primary schools operated freely. In December 1999, the Ministry of Education announced that schools would begin offering classes on Islam in regions with a significant Muslim minority, and in December 2000 the implementing decree took effect, with classes beginning in 80 schools starting in January 2001. However, some ethnic Turkish activists have complained that the implementing decree requires that these classes be taught in Bulgarian rather than Turkish. Since 1997 religious classes on the Bible have been available to students whose parents approve such instruction. Bibles and other religious materials in the Bulgarian language were imported and printed freely, and Muslim, Catholic, and Jewish publications were published on a regular basis.

Although previously during compulsory military service most Muslim conscripts were placed in construction units rather than serving in combat-role military units, these units were converted into a state-owned construction firm in August, which no longer employs conscript military labor. It is unclear how this will affect military assignments of Muslim conscripts (see Section 5).

There were no indications that the Government discriminated against members of any religious group in making restitution to previous owners of properties that were nationalized during the Communist regime. The Government in general actively has supported property restitution for the legally recognized organization representing the Jewish community, although the return of two lucrative commercial Jewish communal properties continues to encounter administrative obstacles and legal challenges.

At the Department of Theology of Sofia University, all students are required to present a certificate of baptism from the Orthodox Church, and married couples must present a marriage certificate from the Church in order to enroll in the Department's classes. It remains impossible for non-Orthodox applicants to be admitted to the Department of Theology.

The Government refused to recognize an alternative Patriarch elected by supporters in 1996, and the schism that opened in the Orthodox Church in 1992 continued, despite the death of this alternative Patriarch in April 1999. The Government nevertheless encouraged the feuding factions to heal their prolonged rift. By year's end, these efforts had not met with success.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country and the right to leave it, and these rights are generally not limited in practice; however, there are two exceptions. One exception relates to border zones where access is limited for nonresidents (the border zones extend 1.2 to 3 miles inward from each border). Another exception is the Ministry of Interior policy that denies issuance of an international passport to any Bulgarian citizen who has ever been convicted of any crime, with no statute of limitations. This policy effectively prevents such persons from travelling abroad.

Every citizen has the right to return to the country, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth.

The Government grants 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. The Law on Refugees, which went into effect August 1, 1999, regulates the procedure for granting refugee status as well as the rights and obligations of refugees. The Agency for Refugees, formerly the National Bureau for Territorial Asylum and Refugees, is charged with following this procedure and cooperating with the U.N. High Commission for Refugees (UNHCR).

The Government provides first asylum. In recent years, domestic and international human rights organizations have expressed concern over the Government's handling of asylum claims and reported that there may have been cases in which bona fide refugees were turned away at the border. No such cases were reported during the year. However, because NGO's lack institutionalized access to the country's borders, it is often difficult for them to monitor the Government's handling of asylum cases. For the first 6 months of the year, the Ministry of Interior reported that 703 persons applied for refugee status. Authorities granted 76 applicants refugee status, while 14 persons were granted temporary humanitarian status. Refugee applications came predominantly from citizens of Armenia (186), Afghanistan (178), and Iraq (130).

The Agency for Refugees reports that it has received 5,938 applications for asylum from its inception in 1993 through December. Of these, 902 persons currently are listed as holding approved asylum or other humanitarian residence status. Domestic and international human rights organizations complain that the adjudication process is slow, but the UNHCR notes that the Agency for Refugees has begun a major restructuring project to reduce the adjudication time to a period of 3 months. The restructuring project itself is expected to take 4 years. In 1997 and 1998, the UNHCR, in cooperation with an NGO, opened three transit centers near the Greek, Turkish, and Romanian borders and assisted the Government with opening a small reception center in Banya. Plans to open a reception center at the Sofia airport continue to be delayed due to a lack of funding. However, the UNHCR currently is working on plans to open a transit center in Kapitan Andreevo, on the border with Turkey.

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

Citizens have the right to change their government and head of state through the election of the President and of the members of the National Assembly, although the constitutional prohibition of parties formed on ethnic, racial, or religious lines has the effect of circumscribing access to the political party process for some groups (see Section 2.b.). Suffrage is universal at the age of 18.

No legal restrictions hinder the participation of women in government and politics; however, they are underrepresented. Women hold just under 11 percent of the seats in the current Parliament. However, a number of women hold elective and appointive office at high levels, including three cabinet-level posts and several key positions in Parliament. The Minister of Foreign Affairs and the leader of the United Democratic Forces parliamentary group (the dominant party in the Government) are both women.

No legal restrictions hinder the participation of minorities in politics, apart from the prohibition of ethnically, racially, or religiously based parties. However, while ethnic Turks' representation in the National Assembly is close to commensurate with their share of population, there was only one Romani Member of Parliament. Both groups are underrepresented in appointed governmental positions, especially leadership positions.

Roma groups are demanding that existing political parties adopt platforms pledging more representation and other improvements for Roma in return for Roma support.

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

Domestic and international human rights groups operate freely, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year. The new Law on Access to Public Information has opened new channels of information which have sometimes proved quite helpful to human rights monitors. In other cases, NGO's have found government offices completely unresponsive to information requests under the public information law. Human rights observers also have experienced some new difficulties in getting information previously easy to obtain, from prosecutors for example, and have reported greater procedural difficulties than in the previous year in gaining access to SIS detention facilities.

The police demonstrated a new level of cooperation with human rights NGO's in providing human rights training to police officers. The National Police Service invited the Bulgaria Helsinki Committee (BHC) to conduct a human rights awareness training seminar with 500 senior police officers (precinct commander and above), with the active participation of the deputy commander of the National Police. Subsequently BHC, the Human Rights Project (HRP), and representatives of the Council of Europe, conducted a smaller training seminar on International Law and Police Practice. In general human rights monitors detected a new receptivity and a more meaningful dialogue on the part of the Government and police officials toward human rights concerns, with one NGO crediting the Interior Minister personally with demonstrating greater openness and attention to the issue. However, this change at senior levels, has not yet resulted in noticeable changes in police practice at the working level.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still exists, particularly against Roma and women.

Women.—Violence against women is a serious and common problem, but there are no official statistics on its occurrence. The Animus Association Foundation (AAF), an NGO that offers assistance and support to female victims of violence, estimates that one in five women suffers from spousal abuse. Spousal rape is a crime, but it rarely is prosecuted. According to a survey by a local polling agency, 80 percent of rapes involve a known assailant. The law exempts from state prosecution certain types of assault if committed by a family member, and the Government generally does not assist in prosecuting crimes of domestic assault unless the woman has been killed or injured permanently. Courts and prosecutors tend to view domestic abuse as a family rather than criminal problem, and in most cases, victims of domestic violence take refuge with family or friends rather than approach the authorities. Police often are reluctant to intervene in cases of domestic abuse, even if a woman calls them seeking protection or assistance. No government agencies provide shelter or counseling for victims. In Sofia the NGO Nadya De Center provides shelter to battered women, and AAF opened a new crisis center that provides short-term emergency shelter for female victims of violence. There were 15 crisis centers around the country which provide assistance to women victims of violence at year's end.

NGO observers report a generally improved public attitude toward issues of violence against women in recent years. After several years of activism on the part of various NGO groups, the taboo against acknowledging and talking about domestic violence and violence against women has been broken. Observers also note some increased sensitivity on the part of police to the issue. AAF reports that it now periodically receives client referrals from police, which was unknown in the recent past.

The courts prosecute rape, although it remains an underreported crime because of the stigma which society attaches to the victim. The maximum sentence for rape is 8 years; convicted offenders often receive a lesser sentence or early parole. According to the Ministry of Interior, 254 rapes and 30 attempted rapes were reported during the first half of the year.

During the year, AAF reported that it handled 1,089 cases of domestic violence, 86 cases of sexual violence, and 534 cases or inquiries related to trafficking in women. AAF directly counseled 24 actual returned victims of trafficking. The large increase in the number of cases related to trafficking in women is the result of a major information campaign, organized by the International Organization for Migration, which has publicized more widely the AAF's counseling services (see Section 6.f.). However, the actual incidents of each form of violence is certainly much higher, as these represent those cases in which the victims (or, in some trafficking cases, an overseas women's group) was willing and able to contact AAF. The Association also operates a 24-hour hot line for women in crisis that is staffed by the Association's volunteer counselors, backed up by 13 full-time professional therapists.

In 1997 the Government enacted a law against trafficking in women, and trafficking in women and girls is a serious problem (see Sections 6.c and 6.f.).

Sexual harassment is a problem; it is not illegal.

Many of the approximately 30 women's organizations are associated closely with political parties or have primarily professional agendas. Some observers believe that women's organizations tend to be associated with political parties or professional groups because feminism has negative societal connotations. Of those organizations that exist mainly to defend women's interests, the two largest are the Women's Democratic Union in Bulgaria, heir to the group that existed under the Communist dictatorship, and the Bulgarian Women's Association, which disappeared under communism but has reemerged with chapters in a number of cities.

The Constitution forbids privileges or restrictions of rights on the basis of sex, and women are not impeded from owning or managing businesses, land, or other real property and do not suffer from discrimination under inheritance laws. However, women face discrimination both in terms of job recruitment and the likelihood of layoffs. Official figures show the rate of unemployment for women to be higher than that for men. Women are much more likely than men to be employed in low-wage jobs requiring little education, and the National Statistical Institute reports that as of November, the average salary of a woman was 76.8 percent of the average salary of a man. Statistics show that women are equally likely to attend universities, but they have less opportunity to upgrade their qualifications and generally end up in lower-ranking and lower-paying positions than their male counterparts. Fewer girls than boys are attending school, especially among minorities. Women generally continue to have primary responsibility for child rearing and housekeeping even if they are employed outside the home. Since 80 percent of employed women work in the lowest-paying sectors of the labor force, they often must work at two jobs in addition to their household duties in order to provide for their families. Female-headed households frequently live below the poverty line. There are liberal provisions for paid maternity leave; however, these actually may work against employers' willingness to hire and retain female employees. This is especially noticeable in higher-paying positions in the private sector, where many women with engineering degrees are compelled to work as secretaries.

No special government programs seek to address economic discrimination or integrate women better into the mainstream of society and the economy, although much NGO activity is focused on these activities.

Children.—The Government generally is committed to protecting children's welfare but, with limited resources, falls short in several areas. For example, it maintains a sizable network of orphanages throughout the country. However, many of the orphanages are in disrepair and lack proper facilities. Human rights monitors are sharply critical of the serious deficiencies in all government-run institutions for children, including orphanages, "educational boarding schools" (reform schools), and facilities for the mentally handicapped. These facilities are plagued by inadequate budgets, poorly-trained and unqualified staff, and inadequate oversight. NGO monitors further allege that even food budgets are highly deficient, with many institutions dependent on the uneven flow of private donations to feed their charges.

Government efforts in education and health have been constrained by serious budgetary limitations and by outmoded social care structures. The Constitution provides for mandatory school attendance until the age of 16. However, fewer girls than boys are attending school, especially among minorities.

On September 15, approximately 300 Romani children from the Nov Put Romani neighborhood began the school year by being bussed to one of seven mixed regular schools in the town of Vidin. Starting in the school year 2000/01, Romani children from the settlement have attended nonsegregated schools as a result of local and international nongovernmental initiatives. Educational standards in the all-Romani school in Nov Pat are low, according to NGO reports.

There are few provisions for due process of law for Romani and other juveniles when they are detained in Educational Boarding Schools (formerly Labor Education Schools) run by the Ministry of Education. Living conditions at these reform schools are poor, offering few medical, educational, or social services. Generally, staff members at many such institutions lack the proper qualifications and training to care for the children adequately. Degrading and severe punishment, such as the shaving of a child's head, reduction in diet, severe beatings, and long periods of solitary confinement, are common at the schools. In 1996 the Ministry of Education acknowledged problems at the schools and attributed the cause to a lack of funding. In late 1996, Parliament enacted legislation providing for court review of sentencing to such schools and addressing other problems in the reform school system (see Section 1.e.), but these provisions do not seem to function. The decision to commit a child to an Educational Boarding School is made by a local Commission for Combating Juvenile Delinquency, which is generally not held accountable in any meaningful way to any higher authority. Standards differ among these local commissions in how closely prescribed procedures are followed. Human rights monitors report that in many localities, contrary to law, a child may be held in such a facility for months on the basis of a police referral, before the local commission convenes to make a decision on the case. The U.N.'s Common Country Assessment for Bulgaria reports that children in these facilities "might be subject to physical abuse" and upon leaving these homes "may be emotionally scarred and ill-prepared to face the outside world."

The vast majority of children are free from societal abuse, although some Romani children are targets of frequent skinhead violence and arbitrary police detention; the homeless or abandoned particularly were vulnerable. There are reports that family or community members forced some minors into prostitution (see Sections 6.c. and 6.d.). Police made little effort to address these problems. Some observers believe that there is a growing trend toward the use of children in prostitution, burglaries, and narcotics distribution. Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c., 6.d., and 6.f.).

People with Disabilities.—Disabled persons by law receive a range of financial assistance, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs. However, as in other areas, budgetary constraints mean that such payments occasionally fall behind. Disabled individuals have access to university training (since 1999 students with disabilities must pay the university's initial application fee but are exempt from semester fees if accepted) and to housing and employment; however, architectural barriers are a great hindrance in most older buildings, including schools and universities. Problems of general unemployment and economy undermine initiatives aimed at advancing equal opportunity for the disabled. The great majority of the disabled are unemployed.

Labor laws intended to protect the interests of the disabled and create greater employment opportunity sometimes have a mixed effect. On one hand, the law provides incentives for small firms to hire disabled workers. For example, the Bureau of Labor pays the first year's salary of a disabled employee. On the other hand, workers with disabilities are entitled to shorter working hours, which often leads to discrimination against them in hiring practices. According to the law, any enterprise employing more than 50 persons must hire a certain number of disabled workers (between 3 and 10 percent, depending on the industry). Those who fail to do so must pay a fine, the proceeds of which go to a fund for the disabled. Nevertheless, due to low fines and delays in the judicial system, compliance rates are extremely low.

Recent public works have taken the needs of persons with disabilities into account. Sofia's new subway system was designed with wheelchair access to stations. Nevertheless, enforcement of a 1995 law requiring improved structural access for the disabled has lagged in existing, unrenovated buildings.

Policies and public attitudes prevalent during the Communist era, which separated mentally and physically disabled persons, including very young children, from the rest of society have persisted. Some complain that the effective segregation of disabled children into special schools has lowered the quality of their education.

However, in a recent positive development, construction of a training and rehabilitation center for the disabled youth in Pomorie began in 1999. The center aims to improve the overall physical and intellectual state of disabled youth and to encourage them to acquire new skills and participate more actively in the social life of the country.

Religious Minorities.—Discrimination, harassment, and general public intolerance of “nontraditional” religious minorities (i.e., the great majority of Protestant Christian denominations) remained a problem, although the number of reported incidents decreased during the past 2 years. Strongly held suspicion of evangelical denominations among the Orthodox populace is widespread and pervasive across the political spectrum and has resulted in discrimination. Often cloaked in a veneer of “patriotism,” intolerance of the religious beliefs of others enjoys widespread popularity. Such mainstream public pressure for containment of “foreign religious sects” inevitably influences policymakers. Nevertheless, there were fewer reported incidents of harassment of religious groups during the past 2 years as society appeared to have become more accepting of previously unfamiliar religions.

Certain religions, including both groups denied registration and those officially registered, such as Jehovah’s Witnesses, faced discriminatory practices, as did other groups, which despite full compliance with the law, were greeted with hostility by the press, segments of the public, and certain government officials (see Section 2.c.).

Non-Orthodox religious groups, including Jehovah’s Witnesses, the Church of Jesus Christ of Latter Day Saints, and the Open Bible Fellowship, have been affected adversely by societal attitudes. Numerous articles in a broad range of newspapers as well as television documentaries, drew lurid and inaccurate pictures of the activities of non-Orthodox religious groups, attributing the breakup of families and drug abuse by youths to the practices of these groups and alleging that evangelicals were drugging young children.

National/Racial/Ethnic Minorities.—Ethnic Turks constitute almost 10 percent of the population. In the 1992 census, 3.7 percent of the population identified itself as Romani; however, the real figure probably is closer to 6 or 7 percent, since many persons of Romani descent tend to identify themselves to the authorities as ethnic Turks or Bulgarians. Ethnic Bulgarian Muslims or “Pomaks” are a distinct group of Slavic descent, constituting 2 to 3 percent of the population, whose ancestors converted from Orthodox Christianity to Islam. Most are Muslim, although a number have become atheists or converted back to Christianity. These are the country’s largest minorities. There are no restrictions on speaking Turkish in public or the use of non-Slavic names.

Voluntary Turkish-language classes in public schools, funded by the Government, continued in areas with significant Turkish-speaking populations, although some observers complained that the Government was discouraging optional language classes in areas with large concentrations of Muslims. The Ministry of Education has estimated that approximately 40,000 children now study Turkish. Some ethnic Turkish leaders, mainly in the MRF, demanded that Turkish-language classes be made compulsory in areas with significant ethnic Turkish populations, but the Government has resisted this effort.

Roma activists and NGO’s were disappointed broadly with the relative lack of progress demonstrated by the Government in implementing its framework program for Roma integration, the Program for Social Integration of Roma, which was unveiled in 1999. Aside from the hiring of a number of individual Roma representatives in various institutions of local, regional, and the national government, there has been little discernible progress in delivering on the program.

Attacks by private citizens on Roma continued, and Roma continued to suffer incidents of discrimination. There were numerous accusations of police and private citizen assaults on Roma.

In the village of Mechka, near Pleven, the February murder of an ethnic-Bulgarian man poisoned relations between the ethnic-Bulgarian and Roma communities. Ethnic Bulgarian residents widely blamed the Roma for the killing, as well as for a spree of petty crimes, which had swept the neighborhood for several years. For several weeks, ethnic Roma were prevented from entering the city center, and a complete boycott against doing any business—buying or selling—with the Roma persisted for some months. This boycott created economic hardship for the Roma community, particularly because of the lack of opportunities to sell the dairy products, which form the livelihood of the Roma villagers in Mechka. The situation was further exacerbated when a Roma man in the act of breaking into a carpentry shop was shot in the leg by a booby trap, which had been set by the shop owner. The shop owner was arrested for the illegal use of a firearm. However, by September the situation in Mechka had calmed considerably and returned more or less to normal, after police arrested two non-local ethnic-Bulgarians for the February murder.

Human rights NGO's closely following the case commended the Pleven police for handling the investigation in a professional and restrained manner, despite the highly inflamed local passions. Although the Roma villagers complained that they were detained disproportionately for questioning in the murder investigation, there were no allegations of any mistreatment or abuse.

According to unconfirmed NGO reports, on August 23 in Gradishte, two Roma men, Paskal Paskalev and Ognyan Milenov, were hospitalized after Tsvetan Tsvetanov shot them with a homemade shotgun. Tsvetanov later claimed he shot the men accidentally while shooting at stray dogs, although the victims allege that Tsvetanov attacked them in their woodworking shop.

On November 11, in Botevgrad, Asen Sashev, a 14-year-old Roma youth, was shot and injured by his neighbor Marko Markov during an altercation. Markov, a fireman, shot Sashev with his government-issue handgun. The Sofia Military Court ruled Markov blameless in the incident; an appeal to the Military Appellate Court was pending at year's end.

Beginning on November 4, 1999, and continuing throughout the year, a group of ethnic Bulgarian residents of a Burgas neighborhood persisted in a petition drive and periodic calls for the expulsion of Roma and the demolition of Romani houses in the neighborhood.

Police harass, physically abuse, and arbitrarily arrest Romani street children (see Sections 1.c. and 1.d.). There was one arrest in the 1998 attack on eight Romani boys by skinheads in Sofia. Little progress has been made in other cases of violence against Roma during previous years, and these largely remain in the investigatory phase.

As individuals and as an ethnic group, Roma faced high levels of discrimination. Roma encounter difficulties applying for social benefits, and rural Roma are discouraged by local officials from claiming land to which they are entitled under the law disbanding agricultural collectives. Many Roma and other observers made credible allegations that the quality of education offered to Romani children is inferior to that afforded most other students. The Government largely has been unsuccessful in attracting and keeping many Romani children in school. Schools in most Romani neighborhoods suffer from chronic absenteeism and very low graduation rates. However, an ethnic reintegration effort began in schools in Vidin in September. The program, with the help of international donor funding, uses a voluntary busing plan to enroll Romani children in various higher-quality, predominantly ethnic Bulgarian schools around the district. Many Romani children arrive relatively unprepared for schooling; many of them are not proficient in the Bulgarian language. Poverty has led to widespread school truancy as many children in Romani ghettos cannot afford shoes or basic school supplies and instead turn to begging, prostitution, and petty crime on the streets. A social milieu that often does not highly value formal education also is a contributing factor. Lack of effective government infrastructure and programs and economic and social factors thus combine to deprive increasing numbers of Romani youths of an education and a better future. Early indications are that some recent initiatives undertaken by the Government and by Romani NGO's are achieving some small successes in mitigating these problems, for example by providing free lunches and subsidizing textbook and tuition costs.

Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justify such discrimination on the basis that most Roma only have elementary training and little education.

Previously it had been common for ethnic Turkish and Romani conscripts to be shunted into military construction battalions during compulsory military service. This practice raised serious concerns both of discrimination and forced labor, particularly since the units sometimes accepted commercial construction contracts in addition to military construction projects. However, in August the Government completed the transformation of these units into a state-owned company that no longer employs conscript labor. It remains to be seen how future ethnic minority conscripts will be integrated into the mainstream of the military. There are only a few ethnic Turkish, Pomak, and Romani officers in the military, and an insignificant number of high-ranking officers of the Muslim faith.

Ethnic Turkish politicians maintain that, although their community's popularly-elected representation in the National Assembly is roughly commensurate with its size, ethnic Turks are underrepresented significantly in appointed positions in the state administration. Ethnic Turks and Roma are also seriously underrepresented in the ranks of the police agencies, and virtually non-existent in senior law enforcement positions.

Both ethnic Turks and Bulgarian Muslims complain that the procedures for restoring their original names (after their forcible re-naming to Slavic names during the 1970s and 80s) is excessively burdensome and difficult to accomplish.

Several thousand persons, mainly in the southwest, identify themselves as ethnic Macedonians, most for historical and geographic reasons. Members of the two organizations that purport to defend their interests, OMO-Ilinden and TMO-Ilinden, are believed to number in the hundreds (see Section 2.b.). The Government does not recognize Macedonians as a distinct ethnic group, and the group is not enumerated in official government statistics.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all workers to form or join trade unions of their own choice, and this right was generally exercised freely. Estimates of the unionized share of the work force range from 30 to 50 percent. This share continues to shrink as large firms lay off workers, and most new positions appear in small, nonunionized businesses.

The two largest trade union confederations are the Confederation of Independent Trade Unions of Bulgaria (CITUB) and Podkrepa, which together represent the overwhelming majority of organized workers. Trade unions are required to demonstrate their membership strength through a periodic census of their members; however, employer representative organizations are not similarly required to demonstrate whom they represent in the trilateral process. The unions have called for new legislation requiring employer organizations also to demonstrate membership strength.

Doctors and dentists expressed dissatisfaction with a new union structure that they claim the Government imposed upon them in 1998, an action which some maintain violates an ILO convention. The trade unions allege that this organization is not truly a labor representative organization, but simply a government-mandated fee collection agency. They also believe it impedes the opportunity for a genuine trade union to represent medical professionals.

The 1992 Labor Code recognizes the right to strike when other means of conflict resolution have been exhausted, but “political strikes” are forbidden. Workers in essential services (primarily the military and the police) also are subject to a blanket prohibition against striking, although such workers on occasion held an “effective strike” in which they stop or slow their activities for 1 or 2 hours. The CITUB confederation argues that the number of workers classified as essential and ineligible to strike is excessive and unfairly restricts the right of many ordinary civil servants to exercise their worker rights.

The Government generally does not interfere with legal labor strikes, and a number of work stoppages took place.

The Podkrepa labor union has complained that an amendment to a 1990 law, passed in March 1998, facilitated the Government’s ability to declare a strike illegal. Under this amendment, workers no longer have the right to appeal when a strike is declared illegal. Podkrepa maintains that this provision is unconstitutional and violates an ILO convention. The union has raised these concerns repeatedly to the Government in the context of negotiations over proposed changes to the Labor Code. A complaint has been made to the ILO Committee of Experts.

Another serious concern for the labor movement is the widespread use of temporary contracts to evade the worker protections of permanent staff. Many workers, who are effectively permanent staff, are hired under short-term contracts that are renewed at the end of each month or each quarter. When an employer decides to fire someone, it is legally simply a non-renewal of contract, rather than a severance action that would entail payment of benefits.

No restrictions limit affiliation or contact with international labor organizations, and unions actively exercise this right.

b. The Right to Organize and Bargain Collectively.—The Labor Code institutes collective bargaining, which was practiced nationally, regionally, and on the local level. The legal prohibition against striking for key public sector employees weakens their bargaining position; however, these groups were able to influence negotiations by staging protests and engaging in other pressure tactics without going on strike. Labor unions have complained that while the legal structure for collective bargaining was adequate, many employers failed to bargain in good faith or to adhere to agreements that were concluded. Labor observers viewed the Government’s enforcement of labor contracts as inadequate.

The Labor Code’s prohibitions against antiunion discrimination include a 6-month period for redress against dismissal as a form of retribution. However, there is no mechanism other than the courts for resolving complaints, and the burden of proof in such a case rests entirely on the employee.

In several instances, an employer was found guilty of antiunion discrimination, but the employers appealed the decisions. The backlog of cases in the legal system

delayed further action, effectively postponing, perhaps indefinitely, redress of workers' grievances.

The same obligation of collective bargaining and adherence to labor standards prevails in the six export processing zones, and unions may organize workers in these areas.

On November 1, about 5,000 demonstrators in Sofia protested draft changes in the country's labor legislation that many workers felt would reduce their rights.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.). The Slavovitsa Boys' Reform School, which had been found to use forced child labor to produce goods for sale, has been closed by the Ministry of Education.

The previous practice of shunting minority and conscientious objector military draftees into work units that often carried out commercial construction and maintenance projects was a form of compulsory labor; however, these units have been converted into a state-owned enterprise which does not use conscript labor (see Sections 2.c. and 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age for employment at 16 years; the minimum age for dangerous work is 18. Employers and the Ministry of Labor and Social Policy (MLSP) are responsible for enforcing these provisions. Child labor laws are enforced well in the formal sector, but NGOs believe that children increasingly are exploited in certain industries (especially small family-owned shops, family farms, construction, and periodical sales) and by organized crime (notably for prostitution and distribution of narcotics). A soon-to-be-published ILO-commissioned report on "Problems of Child Labor in the Conditions of Transition in Bulgaria" reports on the results of a study conducted during the summer. The study found that 6.4 percent of children between the ages of 5 and 17, or about 80,000 children, were involved in paid employment in the informal sector. Of these, 55 percent were between the ages of 15 and 17, while 45 percent were younger than 15 years old. These figures exclude children performing unpaid work within the household or on a family farm. Underage employment in the informal and agricultural sectors is believed to be increasing as collective farms are broken up and the private sector continues to grow. In addition children are known to work on family-owned tobacco farms, and local NGOs reported children working on nonfamily-owned farms for meager monetary or in-kind wages (e.g., food). NGO observers also report that institutionalized children often hire themselves out to do agriculture labor for a modest income, during periods when they are allowed out of the residential facility.

Forced and bonded labor by children also is forbidden by law; however, trafficking in young girls for the purpose of forced prostitution is a problem (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The national monthly minimum wage is approximately \$31 (73 leva), which is not enough to provide a decent standard of living for a worker and family (the average industrial wage is approximately \$107 or 246 leva). Nonpayment of wages and wage payments in arrears has been a growing problem with certain employers, including state enterprises. The CITUB labor confederation estimates that there is an overall backlog of \$50 million in unpaid wage arrears owed to public sector workers and workers in enterprises which are wholly or partly state-owned. The Constitution stipulates the right to social security and welfare aid assistance for the temporarily unemployed, although in practice such assistance often is late.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The MLSP is responsible for enforcing both the minimum wage and the standard workweek. Enforcement generally is effective in the state sector (aside from wage arrears), but is weaker in the private sector.

A national labor safety program exists, with standards established by the Labor Code. The Constitution states that employees are entitled to healthy and nonhazardous working conditions. The MLSP is responsible for enforcing these provisions. Conditions in many cases worsened due to budget stringencies and a growing private sector that labor inspectors do not yet supervise effectively. Protective clothing often is absent from hazardous areas (goggles for welders and helmets for construction workers, for example). The overall standard of living of workers stabilized in 1998 after suffering a severe downturn during the economic crisis of late 1996 and early 1997. The pervasive economic crisis and imminent, long-overdue privatizations continue to create a heightened fear of unemployment, leading to a reluctance on the part of workers to pursue wage and safety demands. Joint employer/labor health and safety committees to monitor workplace conditions, required by new legislation passed in 1999, remained in developmental stages at year's end.

Under the Labor Code, employees have the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardizing their continued employment. However, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems would result in the loss of employment for many workers.

f. Trafficking in Persons.—In 1997 the Government enacted a law against trafficking in women; however, trafficking in women and girls remains a serious problem. The country is both a source and a transit country for human trafficking. A 1997 amendment to the Penal Code on trafficking in women introduced longer prison sentences (to existing kidnaping penalties already in force) in those cases where the victim is under 18 years of age, is offered to another person for sexual abuse, or is trafficked abroad for sexual abuse. However, no suspected traffickers have been brought to trial, possibly because victims are afraid to confront their former criminal controllers when there are no government-sponsored programs to assist or protect victims of trafficking. Some judges and prosecutors also report that they feared reprisals from organized crime figures. There are two police units that specifically address the problem of trafficking in persons. One is part of the border police and the other is in the Ministry of Interior's organized crime fighting agency. High-level Ministry of Interior officials cooperated closely with foreign governments and the International Organization for Migration to support a research project and information campaign to combat trafficking.

La Strada, a Netherlands-based NGO, reports that Bulgarian women constitute one of the largest groups of victims of forced prostitution in Western and Central Europe. Approximately 10,000 Bulgarian women, many under the age of 18, may be involved in international trafficking operations, but no official statistics are available. Village girls as young as 14 years of age have been kidnaped and smuggled over the border. This is a very lucrative business for Bulgarian criminal organizations, and there have been widespread albeit unconfirmed reports of local police involvement in trafficking in some areas. Victims of trafficking range from those who were duped into the belief that they would have good and respectable employment, to those who expected to work as prostitutes but were unprepared for the degree of violence and exploitation to which they would be subjected. A factor contributing to the high number of trafficking victims from the country is the high unemployment rate among young women. Furthermore, because it may be very difficult for young women to obtain visas to work in Western Europe, false job agencies that promise to simplify the process can be very successful in luring trafficking victims. The process of transforming girls into prostitutes generally takes place before they even leave the country. The women typically are taken to a large town, isolated, beaten, and subjected to severe physical and psychological torture. Some trafficking victims from countries to the east are kept in Bulgaria for several weeks where they are subjected to psychological and physical abuse to make them more submissive before they are shipped to their destination points. Once the women leave the country, their identity documents are taken away, and they find themselves forced to work as prostitutes in cities across Europe. Victims routinely report that traffickers took away their passports and visas, and forced them to stay illegally in countries. The women may be required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in virtual indentured servitude. Traffickers punish women severely for acts of disobedience. Traffickers also use threats against the women's families and family reputations to ensure obedience.

Relevant authorities and NGO observers report that thousands of Bulgarian women have been trafficked to Poland, the Netherlands and the Czech Republic, while others are trafficked to Germany, Belgium, France, Canada, the Federal Republic of Yugoslavia (including Kosovo), Romania, Hungary, Macedonia, Italy, Greece, Cyprus, and Turkey. Women reportedly have been trafficked into Bulgaria from the former Soviet Union and Macedonia, also for forced prostitution. The country also is a transit point for traffickers bringing women to Greece. The northeast and southwest border regions are where most trafficking occurs, since women are sent more easily to former socialist countries with less strict visa requirements.

The AAF reported handling 24 cases of returned victims of trafficking in women during the first half of the year.

Technical and bureaucratic obstacles hamper governmental assistance to female victims of violence. Many victims of trafficking and forced prostitution are too young to have worked previously; the lack of previous work experience disqualifies them from receiving social security assistance. If they are runaways with no registered address to which they can return, they are ineligible for humanitarian assistance. They also are largely ineligible for government assistance programs, most of which are in some way tied to previous employment status. Victims are not encouraged to file complaints, as there is no mechanism in place to protect witnesses.

Prevailing public attitudes often stigmatize victims, although there are some signs that this may be changing slowly. There is one NGO-sponsored 24-hour hot line for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The NGO also coordinates with government agencies and other NGO's to find assistance for trafficking victims.

On April 18, the International Organization for Migration (IOM) launched a trafficking awareness campaign. The campaign publicized the availability of NGO counseling facilities, and AAF reported an increase in cases related to trafficking during the year.

The Government increased its efforts during the year to address the problem of trafficking on an interagency effort involving all relevant government agencies, including law enforcement and social policy agencies. The Government also has increased its international cooperation in this area, both through the Southeast Europe Cooperation Initiative (SECI) Anti-Crime Center in Bucharest and in bilateral efforts.

CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with a strong presidency. President Stjepan Mesic of the Croatian People's Party (HNS) was elected in February to a 5-year term to replace President Franjo Tudjman who died in office in December 1999; Ivica Racan is the Prime Minister. International observers characterized the elections as "calm and orderly," noting that in general, "voters were able to express their political will freely," although some problems remained. The President serves as Head of State and commander of the armed forces, nominates the Prime Minister who leads the Government, and approves certain appointments in local and regional government. On January 3, an opposition coalition defeated the ruling Croatian Democratic Union (HDZ) party in voting for the lower house of Parliament. The Organization for Security and Cooperation in Europe (OSCE) observers stated that the parliamentary elections represented "marked progress" toward meeting OSCE standards. The combination of a new President and a new democratic coalition in Parliament helped to increase the transparency of the role of the President and to end the blurring of the powers of the Presidency with those of the Government and the ruling party. The judiciary increased its independence as the Government reduced efforts to exert political influence over court decisions. The judiciary continued to suffer from bureaucratic and funding problems, as well as instances of political influence at the local level.

The Ministry of Interior oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police have primary responsibility for internal security but, in times of disorder, the Government may call upon the army to provide security. Civilian authorities generally maintained effective control of the professional security forces; however, the police occasionally committed human rights abuses.

The new Government embarked on essential economic reforms, but the transition to a market-based, free enterprise economy continued to proceed slowly. While agriculture is mostly in private hands and the number of small enterprises is increasing, industry and media enterprises largely are either still controlled by the State or deliberately were transferred under the Tudjman regime in nontransparent, non-competitive processes to individuals sympathetic to the HDZ. In July an investment law was passed to remove some obstacles to foreign direct investment. Government spending, although lower than in previous years, remained high. Unemployment reached 22.4 percent at year's end, was much higher in the war-affected areas, and may rise further as nonproductive, formerly state-run enterprises are liquidated. The standard of living for most of the population has yet to recover to prewar levels. Per capita gross domestic product (GDP) was \$4,100 (33,210 kuna). Nonpayment of wages continued to be a serious problem. Banks began lending again following a liquidity crisis of previous years. Economic growth resumed after several years of decline, and the exchange rate and prices remained stable. Income from tourism was up over 30 percent over 1999, nearly reaching prewar levels.

The Government generally respected the human rights of its citizens; its human rights record improved during the year, but serious problems remained in some areas. The Government's conduct of the January and February elections improved citizens' ability to change their Government peacefully. Police occasionally abused prisoners. The Government continued to charge and arrest persons for war crimes committed during the 1991-95 conflicts in Bosnia and Croatia. Lengthy pretrial detention, particularly for ethnic Serbs indicted for war crimes, continued to be a prob-

lem. The judiciary remained a problem as a pattern of arrests of ethnic Serbs for war crimes apparently based on extremely weak evidence continued from previous years. The courts continued to be subject to occasional political influence on the local level and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. The Government's respect for citizens' privacy rights improved; however, the restitution of occupied property to (mostly ethnic Serb) refugees returning to the country remained problematic.

The Government's respect for freedom of speech and press improved markedly, but some problems remained. Reports of the harassment of journalists and censorship virtually ceased. However, reform in public broadcasting has been slow, and an estimated 900 libel lawsuits against journalists remained pending due to backlogs in the judicial system. Parliament did not pass legislation to amend the law on state-owned television and radio (HRT) during the year. The Government respected academic freedom. The Constitutional Court struck down laws that allowed excessive governmental interference in the operation of associations and nongovernmental organizations (NGO's). Respect for freedom of religion improved somewhat during the year; however, restitution of nationalized property remains a high, and unaddressed, priority for several religious communities.

The Government took some steps to facilitate the return of refugee citizens (mostly ethnic Serbs) and the return of persons internally displaced by the 1991-95 conflict, including the establishment of a coordinative commission to address issues in war-affected areas and the reform of laws that previously discriminated against ethnic Serb refugees. Although the number of refugees returning to their homes accelerated during the year, serious problems remained. The coordinative commission lapsed into inactivity by year's end, and no significant progress was made on the restitution of private property or resolution of the right to previously socially owned property, and this continued to be the greatest obstacle to refugee returns.

Two rounds of presidential elections and one round of parliamentary voting were conducted in a calm and orderly fashion, and the Government addressed some irregularities and improved the process with each round. However, the OSCE noted continuing problems: While many refugees in neighboring countries, mostly ethnic Serbs, continued to be unable to assert their citizenship and exercise their right to vote, the Law on Citizenship grants voting rights to ethnic Croats born abroad but who have no permanent residence in Croatia.

The Government's record of cooperation with international human rights and monitoring organizations improved somewhat, although problems remained. The Council of Europe, citing progress on human rights, decided to terminate its permanent monitoring of Croatia in September, and the OSCE terminated its police monitoring group in the Danubian region (Eastern Slavonia) in October. In the first half of the year, the Government took steps to improve cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY); however, cooperation slowed in the second half of the year, and the Government was reluctant and slow in providing timely access to witnesses and documentary evidence. Some of the Tribunal's requests for cooperation remained outstanding at year's end. The Government's Ombudsman for Human Rights met periodically with human rights groups and investigated, upon receipt of complaints, individual cases of human rights violations.

Violence and discrimination against women remained problems. Ethnic minorities, particularly Serbs and Roma, faced serious discrimination. While some progress was made, ethnic tensions in the war-affected areas remained high, and abuses, including ethnically motivated harassment and assaults, continued to occur. There were two ethnically motivated murders during the year. The country is a transit point and lesser source and destination country for trafficking in persons.

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

a. Political and Other Extrajudicial Killings.—There were no reports of political killings.

There were two ethnically motivated killings of Serbs during the year (see Section 5).

In August Milan Levar, a former police officer who previously provided information to the ICTY about the 1991 massacre of civilians in the town of Gospic, was killed at his Gospic home. Government leaders condemned the killing, but an intensive police investigation had not led to any arrests by December.

During the year nine persons were killed by landmines laid by Croatian and Serb forces during the 1991-95 war. Three persons also were killed in related demining incidents. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,320 mine incidents were recorded in which 365 persons were killed (see Section 1.c.).

In July the Croatian Helsinki Committee for Human Rights released its second report on human rights violations during the 1995 military operation "Storm" in which Croatian forces recaptured rebel Serb areas in the Krajina region. The report identifies over 600 ethnic Serb civilians who were killed or reported missing in "sector north." No indictments have ever been brought for the events described in the report.

Courts continued adjudicating war crimes cases arising from the 1991–95 conflicts in Bosnia and Croatia. In an improvement over the record of the previous Government, which prosecuted very few ethnic Croats and then in often politicized trials, several ethnic Croats were detained during the year for war crimes or other crimes committed during the conflict. Five persons, including Tihomir Oreskovic, were arrested in September on suspicion of war crimes committed during the 1991 Gospic massacre. A sixth suspect was arrested in December. At year's end, four were in pretrial detention and two were released but remained under investigation. In September two military intelligence officers were arrested in Zadar for suspicion of involvement in the 1993 Ahmici massacre in Bosnia and Herzegovina. Four others were arrested but later released on suspicion of providing the officers with false identities to facilitate their escape. At year's end, the two arrestees remained in detention as the investigation proceeded. In May the long-delayed retrial of soldier Mihajlo Hrastov began. The Supreme Court in 1993 ordered the retrial after Hrastov was acquitted in 1992 of the massacre of 13 Serb prisoners in Karlovac in September 1991. At year's end, the trial was adjourned while the prosecution sought witnesses to the massacre. Also at year's end, the retrial was beginning in the case of 6 soldiers originally acquitted in the 1995 massacre of 16 elderly Serbs in the villages of Varivode and Goscici. In November the Supreme Court admitted committing an error in 1997 when it amnestied Antun Gudelj, who had been convicted of the July 1991 murder of moderate Osijek police chief Josip Reichl-Kir (see Section 1.e.).

Trials of ethnic Serbs continued; however, a pattern of arresting Serbs for war crimes based on extremely weak evidence continued from previous years (see Section 1.e.). In May a Vukovar court convicted 11 ethnic Serbs of 22 indictments for war crimes committed during the fall of Vukovar in 1991; 21 of the defendants were tried in absentia (see Section 1.e.). The only individual to defend himself in person was Stefan Curnic, who was convicted and received a 15-year sentence. International observers assessed the evidence against Curnic as credible but noted that he had been incarcerated since December 1998 without a trial (see Section 1.d.). In July five ethnic Serbs (the "Sodolovci group"), whose 1999 conviction for war crimes was overturned by the Supreme Court and remanded to a lower court for a retrial, were acquitted for lack of evidence (see Section 1.e.). In Osijek in October, 15 ethnic Serbs (the "Baranja group") were arrested on 1991 war crimes indictments despite the fact that those indictments had little or no supporting evidence. Eight of these individuals remained incarcerated at year's end. There were at least 19 arrests of ethnic Serb refugees returning to Croatia after they had been cleared for return, in violation of return procedures established between the Government and UNHCR (see Section 2.d.).

Progress was made on the exhumation of graves and identification of persons missing from the 1991–95 war at a number of sites in the Danubian region. Throughout the country, the bodies of 3,197 victims have been exhumed from mass and individual graves since the war (see Section 1.b.).

b. Disappearance.—There were no reports of politically motivated disappearances. Government figures in December showed that 1,567 persons (mostly ethnic Croats) remained missing in cases unresolved from the 1991–95 military conflict. However, this number does not reflect approximately 900 additional persons (mostly ethnic Serbs) believed to be missing since mid-1995, who were reported to the Government of the Federal Republic of Yugoslavia (Yugoslavia) or to international organizations. There has been significant progress on the recovery and identification of the remains of ethnic Croats; but efforts to identify missing ethnic Serbs continued to be hampered by political and bureaucratic obstacles. Throughout the country, 3,197 victims have been exhumed from mass and individual graves since the war, including 73 during the year. The remains of 110 persons were identified positively during the year. In July and November the government commission charged with responsibility for locating missing persons held a meeting with its Yugoslav counterpart to exchange information on the missing and detained; these meetings had been suspended since March 1999. In September the Government formalized the status of the commission by legalizing it as a government office with a separate budget. The September changes also integrated the Danubian Subcommittee for Missing Persons into the office as a working group. In the past, the lack of transparency regarding the commission's authority and budget hampered its efficient operation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, mistreatment, or cruel or degrading punishment; however, police occasionally abused prisoners.

In October the OSCE terminated its uniformed Police Monitoring Group (PMG) in the Danubian region (Eastern Slavonia), assessing that the local police performance was satisfactory and the security situation in the region was stable. The PMG was replaced by a smaller cadre of civilian police observers. There were periodic reports of ethnic tensions between ethnic Serb and Croat police officers in the Danubian region. For example, one ethnic Croat police officer “dry-fired” his unloaded pistol into the face of an ethnic Serb colleague. The officer received a short suspension from duty, and credible observers expressed concern that mid-level police supervisors failed to take the incident seriously or adequately punish the perpetrator. However, upon being informed of the incident, the assistant Interior Minister ordered a thorough investigation. The commander of the station where the incident took place was replaced by year’s end.

The number of reported ethnic incidents in the Danubian region fell to less than half its 1999 level. This development largely was due to a real decrease in the number of ethnic incidents. However, there were reports of the failure of some police officers to regularly classify ethnic incidents as such, and of a reluctance of ethnic Serbs to report harassment because of a sense that such incidents have become commonplace. Continuing problems include poor police investigative techniques, acute social sensitivity to ethnic issues, indecisive middle management in the police, and pressure from hard-line local politicians. These factors impede development of local police capability. In the Danubian region in particular, and depending upon the ethnicity of the complainant, inconsistent police response to housing disputes remained a problem. In May in consultation with OSCE, the Interior Ministry began a reform and restructuring of its field police presence that is intended to close 106 substations and, through attrition, reduce the country’s uniformed police-to-population ratio to a level closer to that of other European countries. In December the Government passed a new law on police, creating the position of Director of Police and providing senior police officials more authority to implement reforms at the precinct level.

During the year, 13 persons were injured by landmines laid by Croatian and Serb forces during the 1991–95 war. Five persons also were injured in related demining incidents. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,320 mine incidents were recorded, in which 1,281 persons were injured (see Section 1.a.).

In October judge Marko Rogulja, an ethnic Serb judge on the Vukovar municipal bench in the Danubian region, was threatened by a mob (that included the county prefect) shortly after he had issued a decision to evict an ethnic Croat police officer from a home he was occupying that was owned by an ethnic Serb. The eviction never was carried out and the case later was transferred to another judge. No public officials, either at the municipal or national level, made any public statement about the incident or otherwise condemned the harassment of a judge.

Prison conditions meet minimum international standards. Police reportedly occasionally abused prisoners. Jails are crowded, but not excessively so, and family visits and access to counsel generally are available, albeit not consistently at all phases of the criminal proceedings (see Section 1.d.).

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for rights of accused persons, but the Government does not always respect due process provisions for arrest and detention. Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes; such cases of warrantless arrest are not uncommon. The police then have 24 hours to justify the arrest to a magistrate.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years’ imprisonment, the magistrate appoints counsel. The magistrate must, within 48 hours of the arrest, decide whether to extend the detention for further investigation. Investigative detention generally lasts up to 30 days, but the Supreme Court may extend the period (for a total of not more than 6 months) in exceptional cases. Once the investigation is complete, detainees can be released on their own recognizance pending trial unless the crime is a serious offense, or the accused is considered a public danger, may influence witnesses, or is a flight risk.

Lengthy pretrial detention remained a serious problem, particularly for ethnic Serbs accused of war crimes. Suspects generally are held in custody pending trial, and there have been several cases of pretrial detention lasting for several months

or years, including individuals awaiting the prosecutor's appeal of their acquittal. For example, in the case of Stefan Curnic, who was convicted for war crimes, international observers noted that he had been incarcerated since December 1998 without a trial (see Sections 1.a. and 1.e.). The practice of posting bail after an indictment is available but is not common.

The Government continued to apply the 1996 Amnesty Law (which amnesty acts of rebellion by ethnic Serbs) in an arbitrary and unfair manner. While some improvement was noted early in the year, in October the state prosecutor directed local prosecutors to reopen old war crimes cases and execute dormant arrest warrants, although there appeared to be no new evidence to justify the arrests. As a result, although there only were 7 such arrests during the first 9 months of the year, there were at least 36 during the final 3 months. For example, in October 15 ethnic Serbs were arrested in Baranja in the Danubian region (8 of whom still were incarcerated at year's end) for 1991 indictments for war crimes, despite the fact that those indictments had little or no supporting evidence (see Sections 1.a. and 5). Because the arrests were not based upon new evidence, they violated letters of agreement between the U.N. Transitional Authority in Eastern Slavonia (UNTAES) and the Government reached under the auspices of the 1995 Erdut Agreement. Government officials later justified the arrests by calling these agreements "gentlemen's agreements" and "merely verbal agreements."

Several ethnic Serb defendants continued to be held in detention for extended periods as their cases slowly progressed through the overburdened judicial system. In April in the Lepoglava Prison, 27 ethnic Serb prisoners engaged in a 2-week hunger strike to protest shortcomings in the application of the Amnesty Law, particularly the slow pace of their proceedings and the Government's failure to reexamine previous convictions based on unfair procedures or weak and contradictory evidence.

There were at least 19 cases of ethnic Serb refugees being arrested upon return to the country, in violation of clearance procedures agreed upon by the Government and the UNHCR. In four of these cases the subject later was released after being amnesty under the Amnesty Act or when charges were dropped. In August Dusan Jokic was arrested on a warrant for a 1995 robbery conviction while on a U.N.-organized visit to his prewar home in Obrovac. In September charges were dropped under the Amnesty Law and Jokic was released. Also in August, Slavko Drobnjak was arrested in Petrinja based on a previous conviction in absentia for 1991 war crimes. In October Miljan Strunjas was arrested in Karlovac, a week after returning to the country, on suspicion of committing 1991 war crimes. International observers did not question the Government's right to prosecute criminals but expressed concern that arrests of persons who had been cleared for return and informed by authorities that there were no outstanding charges against them would harm the process of refugee returns. In the autumn, the Government streamlined its clearance procedure to process requests more efficiently for refugees intending to return.

In the Danubian region monitors noted that police occasionally called ethnic Serbs to police stations for "voluntary informative talks," which amounted to brief warrantless detentions intended to harass Serb citizens.

Two Serb police officers in Borovo Selo and Ilok (both in the Danubian region) were arrested in 1999 for war crimes despite the fact that they previously were cleared for police duty by the Ministry of Interior. One of the officers was convicted of war crimes and sentenced to 15 years in prison. The other remained in investigative detention at year's end, pending trial. At least four Serb police officers were arrested during the year on war crimes charges and remained in detention. There were no reports of Serb officers fleeing to Yugoslavia when they learned they were the subject of investigations.

The Constitution prohibits the exile of citizens. In 1998 the Government established procedures for Croatian Serbs who fled the country during the conflict to have their citizenship recognized, obtain personal documentation, return to Croatia, and reclaim their property and social benefits. Implementation of these procedures continued to be slow and uneven (see Section 2.d.). During the year, 27,900 persons who were refugees in Yugoslavia and Bosnia-Herzegovina were able to return to Croatia in returns organized by the U.N. High Commissioner for Refugees (UNHCR). The pace of organized returns during the year was 50 percent higher than in 1999, in large part because of the new Government's commitment to facilitate the process. Of approximately 250,000 ethnic Serbs who fled their homes, organized returns since the end of the conflict in 1995 through December totaled 37,144. In addition an estimated 30,000 persons returned outside of official programs.

Ethnic Serbs requiring personal documentation to return to or regularize their status within the country continued to report difficulties, delays, and contradictory requirements from local officials charged with issuing documents. However the number of such reports was lower than in the past. Several NGO's reported that despite

the central Government's commitment to facilitate the documentation process, obstructions often were caused by recalcitrant local officials.

e. Denial of Fair Public Trial.—The judiciary is autonomous and independent under the Constitution; however, it suffers from instances of political influence at the local level, and a large backlog of over 1.1 million cases and funding shortfalls remain.

The judicial system consists of municipal and county courts, the Administrative court, and the Supreme Court. The independent Constitutional Court both determines the constitutionality of laws, governmental acts, and elections and serves as the court of final appeal for individual cases. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (consisting of a president and 14 members serving 8-year terms) is a body independent of both the judiciary and the Ministry of Justice. It is charged with the appointment and discipline, including removal, of judges and public prosecutors. The lower house of Parliament nominates and elects persons for membership on the Council. The 11 judges of the Constitutional Court are elected for 8-year terms in the same manner, while all other judges are appointed for life.

In the past, the State Judicial Council was criticized for the politicization of its decisions. In March the Constitutional Court struck down some provisions of the Law on the State Judicial Council and criticized the Council for failing to abide by several court decisions and for lack of transparency in making judicial appointments. The Constitutional Court also directed the Council to repeat the confirmation process for 16 judges (including 5 Supreme Court nominations) that were improperly rejected by the council. However, because four members resigned from the Council during the year in protest over its politicization, the Council was not able to convene to act on this court order. Amendments to the Law on the State Judicial Council passed in December, in response to the Supreme Court ruling, were designed to depoliticize the Council and judicial appointments and, by extension, improve the quality and the number of sitting judges. The amendments empower the Minister of Justice (rather than the Council) to nominate and discipline Court presidents. They also introduce more transparency into the appointment and discipline of judges by, *inter alia*, providing for the Constitutional Court to review such proceedings.

Judges are constitutionally prohibited from being members of any political party. Under the new Government, the judiciary has been subject to less political influence than was the case under the previous regime, although reports of political influence at the local level continued. The politicization of hard-line judges appointed by the previous Government, who at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law, also continued to be a problem. The Constitutional Court in particular has demonstrated during the year a commitment to impartial and nonpolitical rulings that have helped to overcome the legacy of the previous regime and to lay the foundation for an increased respect for the rule of law.

The greatest problems facing the judiciary are inexperienced judges and bureaucratic inefficiencies and funding shortfalls which, over the years, have created a massive backlog estimated at over 1.1 million cases, some dating back 30 years or more. Cases may drag on for years. The inexperience of young and recently appointed judges continued to be a problem. There continued to be areas of the country without a permanent judge. In August and September, three convicted felons were released because they did not receive their second instance (Supreme Court) decisions within the statutory limit of 30 months. Justice Ministry and Supreme Court officials noted that cases often would languish for extended periods at the first instance court and then be passed to the Supreme Court just days or weeks before the 30-month limit expired. Compounding this problem were scheduling inefficiencies at the Supreme Court, where there is a 10,000 case backlog and only 35 judges who do not have access to modern court technologies and case management techniques. As a result of these prisoner releases, the Supreme Court streamlined its procedures in the autumn and no more such releases were reported. According to the president of the Association of Croatian Judges, the Government failed to provide the financial means necessary for the regular operation of the courts.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, citizens were sometimes denied fair trials. Courts tried and convicted in absentia persons for war crimes. In May a Vukovar court convicted 11 ethnic Serbs out of a total of 22 Serb indictees for war crimes committed during and after the fall of Vukovar in 1991; 21 of the defendants were tried in absentia. The only individual to defend himself in person was Stefan Curnic, who was convicted and received a 15-year sentence. International observers assessed the evidence against Curnic as credible but noted that he had been incarcerated since

December 1998 without a trial (see Sections 1.a. and 1.d.). In August and October, authorities arrested at least 19 ethnic Serbs for war crimes, in an apparent breach of established return procedures (see Sections 1.a. and 1.d.).

In July five ethnic Serbs (the "Sodolovci group"), whose 1999 convictions for war crimes were overturned by the Supreme Court and remanded to the Osijek court for a retrial, were acquitted for lack of evidence. The 1999 convictions were, according to international observers and ethnic Serbs, based on improper judicial procedures and weak evidence. In October the Minister of Justice reported that 69 ethnic Serbs were in Croatian jails for charges relating to wartime events, including 61 held for war crimes.

In November the Supreme Court admitted committing an error in 1997 when it annested Antun Gudelj, who had been convicted of the July 1991 murder of moderate Osijek police chief Josip Reichl-Kir. At year's end, the Constitutional Court had not ruled yet on whether to order Gudelj rearrested and retried.

Little or no progress was made in thousands of cases of illegal occupancy in which the legal property owner (typically a returning Serb refugee) had a positive court decision and legal right but was unable to recover occupied property. Judicial decisions overwhelmingly favored ethnic Croats in property claims involving returning refugees and displaced persons. In those cases in which the court ruled in favor of a non-Croat, only a handful of judicial orders for the eviction of a Croat occupant of a Serb-owned home have ever been carried out by the police (see Section 1.f.). Many cases of illegal occupancy involve current or former members of the Croatian military or police forces, and local authorities systematically refused to act against them on behalf of lawful owners. The only recourse for the lawful owner was to return to court to demand implementation of the first decision, a time-consuming and costly procedure that only rarely resulted in implementation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution declares the home inviolable; however, at times the Government infringed on these rights. Only a court may issue a search warrant, which must justify the search. Police may enter a home without a warrant or the owner's consent only to enforce an arrest warrant, apprehend a suspect, or prevent serious danger to life or property. The Government's respect for citizens' privacy improved measurably; however, the restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem. Very few property owners and apartment tenants were able to recover their prewar dwellings.

Despite a 1997 Constitutional Court ruling that several elements of the Law on the Temporary Takeover of Specified Property were unconstitutional, the vast majority of the thousands of ethnic Serb property owners who fled homes that later were occupied by ethnic Croats remained unable to access their property. A 1998 program for the return of refugees and displaced persons, which included mechanisms for property restitution and reconstruction, did not have the full force of law. The program was implemented very slowly, and only a handful of cases of property restitution were recorded during the year, as both national and local authorities declined to take steps to displace temporary occupants in favor of the original owners. Backlogs in the judicial system represented a further impediment to timely resolution of housing disputes. Governmental promises made in the autumn to reform and streamline the housing commissions were unfulfilled at year's end. Further, only a handful of claims by ethnic Serbs for reconstruction have been considered.

Despite orders from the national Government, local authorities (including local housing commissions) often did not take steps to regulate occupancy rights or to initiate lawsuits against individuals who refused to vacate occupied premises. This situation largely remained unchanged from the previous year. Thousands of returning ethnic Serb displaced persons and refugees continued to remain shut out of their homes, although in many cases the occupier's house had been reconstructed so there was no impediment to the occupier's return home. In some cases, the Government failed to furnish reconstructed houses with basic utilities, discouraging returns. In other instances, returnees who gained access to their property were held responsible for water and power bills accumulated by temporary occupants, and authorities refused to reconnect the services until the bills were paid. Local housing commissions often were purposefully dysfunctional and failed to resolve housing disputes, or when functional legally were powerless to implement their own decisions under an existing legal framework that still was unaddressed by the Government.

An ongoing problem was the continued occupation of homes belonging to Croatian Serbs by refugees from neighboring Bosnia-Herzegovina and Yugoslavia, as well as "priority category" ethnic Croat citizens, i.e., active duty or former members of the military, widows, and orphans. Meanwhile, ethnic Croats wishing to return to their homes in the Danubian region (Eastern Slavonia) generally were able to recover

their homes by evicting ethnic Serbs occupying them. Many Serb returnees were unable to move into looted and devastated homes that the Government defined as habitable. Of the total 7,123 applications for repossession of property recorded by the government Office for Displaced Persons and Refugees at the end of August 1999, less than one-fourth were listed as returned to their owners. No update was available at year's end.

No progress was made to resolve the thousands of cases of persons (mostly ethnic Serbs) who lost their claims to their prewar socially-owned apartments due to their absence for more than 6 months during the conflict. Ethnic Serbs were affected disproportionately because no mechanism existed by which they could return to the country in order to claim their property or because they had lived in the occupied parts of the country and missed the chance to purchase their prewar apartments.

Incidents of grenade attacks against property and arson related to housing disputes were reported during the year (see Section 5).

The Constitution provides for the secrecy and safety of personal data, and this provision generally was respected. In line with a March Constitutional Court ruling, the Parliament in May adopted amendments to the internal affairs law that revoked the Interior Minister's sweeping discretionary powers to wiretap. The amendments grant wiretapping authority only in cases where the Criminal Code may be violated or there is a threat to the country's sovereignty, and they establish an independent board to oversee all wiretapping. In July the three members of the independent board were appointed; they are nonpartisan nonparliamentarians who will report to the parliamentary Intelligence Committee. In September the Interior Minister announced that several intelligence officials were disciplined and prosecuted for illegal wiretapping.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of thought and expression, and the Government generally respected this right in practice, although some problems remained. The Constitutional provisions specifically include freedom of the press and other media, speech, and public expression, as well as the free establishment of institutions of public communication. Since the new Government took office in January, there has been a marked improvement in respect for freedom of speech and the media.

Reports of harassment including threats, wiretapping, surveillance, and beatings of journalists largely ceased. Official harassment in the form of job loss, banishment from the air (for nonpayment of excessive fees), and overzealous tax enforcement has stopped. Self-censorship (not covering controversial stories for fear of libel lawsuits) largely has ceased. No incidents of censorship of the electronic media were reported. The government campaign of harassment of the independent media through the use of libel suits stopped, although the estimated 900 libel cases from previous years (including 70 lawsuits filed against the satirical weekly *Feral Tribune*) have not concluded due to a slow and overburdened judicial system.

In February the Constitutional Court struck down legal provisions that allowed defamation cases against journalists to be tried under "urgent proceedings," meaning that the case would come to trial within 8 days, seriously prejudicing the defendant's ability to prepare a case. In May the Constitutional Court struck down a law that allowed prosecutors to file criminal charges against journalists for defamation of certain senior state officials. In June Parliament passed a bill amending the law to bring it in line with this ruling by formally rescinding the provision the court had struck down. However, by year's end, the Government still had not amended the Penal Code articles authorizing the prosecution of journalists who publish "state secrets," articles that were abused in the past. The Government continued to control the regulatory framework and licensing of radio and television, including the selection of members of the managing council and the Council for Radio and Television. By year's end, the Government had not passed legislation to address these issues. While management changes at government-controlled radio and television (HRT) in the spring improved the quality of news programming, the Government was slow to fulfill its overall reform commitments (primarily due to the difficulty in reducing the bloated HRT workforce). A truly independent nationwide television station did not yet exist by year's end.

The population continued to rely on government-run radio and television for news; however, a network of independent local television stations is producing *Vijesti*, a competing nightly news program. As a result of the 1999 Telecommunications Law, "networking" allowed independent media to achieve national coverage. Croatian Cable Network, an independent network of 8 television stations, was able to broadcast *Vijesti*, offering the first real competition to HRT'S *Dnevnik* program. The latter still was the most widely watched national news program, and was more bal-

anced than in the past. HRT continued to enjoy an overwhelming advantage as the recipient of the bulk of advertising revenues and subsidies from government taxes on television users. These subsidies create an unfair advantage for the HRT over any independent television station that tries to compete, since the independents' ability to purchase programming, etc., is far less than that of the HRT. Similar problems exist in radio broadcasting. The Catholic Church operates the only private national radio station, but it invites other denominations to participate in ecumenical programming (see Section 2.c.). The new Government (unlike the previous regime) did not close independent media outlets for nonpayment of (often exorbitant) licensing fees.

Nearly all distribution of newspapers and magazines continued to be controlled by Tisak, a once-profitable firm that operates 1,700 news kiosks. Due to mismanagement, Tisak faced bankruptcy proceedings and still owed large debts to print media publishers. These debts, and the fact that the bankruptcy case is unlikely to be resolved quickly, put severe financial pressure on newspaper and magazine publishers. The trial of Tisak chief Miroslav Kutle for forgery and abuse of power in Tisak's collapse was ongoing at year's end. Tisak is now administered by the Government's Privatization Fund and there are no longer complaints that Tisak manipulates the distribution of print media by leaving some areas oversupplied with publications and others undersupplied. Foreign newspapers and journals continue to be available in the larger urban areas throughout the country; however, because of their high cost they remain largely inaccessible to many.

Academic freedom was respected. Under the new Government, there have been no reports of restraints on academic freedom through control of research funds or otherwise. The previous dean of the University of Zagreb's philosophy faculty, a hard-liner closely associated with the previous Government, was replaced in October.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government respected this right in practice. A 1999 law permits assembly for registered demonstrations at approved locations, and while this law was less restrictive, it does not make transparent the process for approving or denying the registration of an assembly, there were no reports that it was used discriminatorily.

In March, thousands peacefully marched to protest the 45-year sentence served on General Tihomir Blaskic by the ICTY.

The Constitution provides for the right of association. In February the Constitutional Court struck down provisions of the 1997 Law on Associations that had increased the Government's ability to restrict the right of association through interference in the registration and operation of associations and nongovernmental organizations. Parliament did not pass new proposed legislation by year's end to comply with this ruling and to reduce governmental interference and make registration less onerous.

The Government continued to operate an office for cooperation with NGO's that coordinates NGO efforts with government initiatives on human rights and civil society. Budget cuts reduced this office's disbursements to NGO's and civic organizations from \$3.7 million (31.6 million kuna) in 1999 to \$2.5 million (20.5 million kuna) during the year.

c. Freedom of Religion.—The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government respects these rights in practice. No formal restrictions are imposed on religious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions. Roman Catholicism is the majority faith, and there are smaller Eastern Orthodox, Christian, Muslim, and Jewish communities. Croatian Protestants from a number of denominations and foreign clergy and missionaries actively practice and proselytize.

The overall situation for freedom of religion improved somewhat during the year. Government officials have expressed publicly a commitment to improving the climate for religious freedom, but their approach during the year was ad hoc, addressing problems as they arose rather than setting uniform nondiscriminatory standards for all communities. Early in the year, the Government established a "Commission for Relations with Religious Communities" whose purview includes the rights of minority religions, religious instruction in schools, and restitution of nationalized property. This commission replaced a similar office under the previous government. However, leaders of minority religious communities, who would like to use the commission to secure the same benefits as those enjoyed by the Catholic Church, reported that no substantive progress was made by year's end.

While there is no official state religion, the Roman Catholic Church is one of the most powerful national symbols and enjoys a historic relationship with the state not

shared by other denominations. Approximately 85 percent of the population are Catholic. This relationship is codified in the "concordats", a series of 1997 bilateral treaties between the Government and the Vatican that regulate many aspects of church/state relations from the recognition of marriages to state subsidies for the church. The Catholic Church receives state financing to support pensions for priests and nuns through government-managed pension and health funds. Other religious communities still do not have such an agreement with the State, nor is there a law that regulates these issues. (Orthodox priests and imams have been paying their contributions to the health and pension funds from their own resources, in order to be covered by a pension plan.) In July the Catholic Church signed an agreement with the state-run broadcaster (HRT) to provide regular, extensive coverage of Catholic events (as much as 10 hours per month). Other denominations receive about 10 minutes broadcast time per month. Separately the Catholic Church operates the only private national radio station, but it invites other denominations to participate in ecumenical programming (see Section 2.a.).

The previous HDZ Government implemented restitution of religious property in a discriminatory manner. The Government signed a concordat with the Vatican in 1998 that provided for the return of all Catholic Church property confiscated by the Communist regime after 1945. This agreement stipulates that the Government would return seized properties or compensate the Church where return is impossible. Some progress has been made with some returnable properties being restituted, but there has been no compensation to date for nonreturnable properties.

No such agreements exist between the Government and other religious groups. The Orthodox community filed several requests for the return of seized properties, and some cases have been resolved successfully, particularly cases involving buildings in urban centers. However, several buildings in downtown Zagreb have not been returned, nor have properties that belonged to monasteries, such as arable land and forest. In December 1999, the Government returned to the Jewish community a site in downtown Zagreb where the main synagogue was located until its destruction in World War II. However, other Jewish properties, including some Zagreb buildings, have not been returned. The Jewish community identifies property return as one of its top priorities.

Catholic marriages are recognized by the State, eliminating the need to register them in the civil registry office. The Muslim and Jewish communities, seeking similar status, have raised this issue repeatedly with the Government, but there has been no resolution by year's end.

Zagreb Archbishop Josip Bozanic took office in 1997 and has sought a role for the Catholic Church independent of the Government. Bozanic has been active in publicly promoting ethnic reconciliation and the return of refugees. The Catholic Church consolidated its privileged position among the several religious communities, but at the same time has improved ecumenical dialogue, particularly with the Serb Orthodox Community. In February Orthodox and Catholic bishops met in Yugoslavia, in June Orthodox Patriarch Pavle visited Croatia and met with Bozanic, and in August they met again in Belgrade.

Notions of religion and ethnicity are linked closely in society, but the majority of incidents of discrimination are motivated by ethnicity rather than religion or religious doctrine. There were persistent reports of vandalism to Serb Orthodox cemeteries and structures, as well as to a Jewish community center (see Section 5).

The Ministry of Defense employs 19 Catholic Priests to tend to Catholics in the military. However, neither Orthodox nor Muslim clerics were given this opportunity. A Catholic priest is present and gives a blessing at the oath-giving ceremony upon entering the army, but other clerics have not been invited to participate. The Government requires that religious training be provided in schools, although attendance is optional. Schools filling the necessary quota of seven minority students per class are allowed to offer separate religion classes for these students. In classes not meeting this quota, minority students may fulfill the religion requirement by bringing a certificate that they received classes from their religious community. Generally the lack of resources, minority students, and qualified teachers impeded religious instruction in minority faiths. Jewish officials noted that basic information provided to students about Judaism was inaccurate, and their offers to improve the material continued to go unheeded.

Foreign missionaries occasionally reported difficulty in obtaining appropriate working visas, but under the new Government immigration authorities have made a conscious effort to process their visa requests more expeditiously than in the past. Missionaries do not operate registered schools, but the Church of Jesus Christ of Latter-Day Saints (Mormon) community provides free English lessons, normally followed by religion class. The Muslim community has a secondary school in Zagreb, but the Ministry of Education continued to refuse to recognize its diploma; a lawsuit

to resolve the matter was pending at year's end. About 20 students per year graduate from the school.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution generally provides for these rights, with certain restrictions. All persons must register their residence with the local authorities. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others."

There were at least 19 arrests of ethnic Serb refugees returning to Croatia after they had been cleared for return, in violation of return procedures established between the Government and UNHCR (see Sections 1.a. and 1.d.).

There were no reports that the Government revoked citizenship for political reasons. The Government's procedures to verify and document the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military operations in 1995 improved slightly during the year; however, this process for the most part has remained slow and uneven. International observers assessed that delays and obstacles more often were created by limited resources and overburdened consular offices in Bosnia-Herzegovina and Yugoslavia than by willful discrimination.

During the year, 27,900 persons who were refugees in Yugoslavia and Bosnia-Herzegovina were able to return to Croatia in returns organized by the UNHCR (see Section 1.d.).

A significant number of internally displaced persons remains in the country, although not all are under the Government's direct care. While the government reported some 57,000 persons (34,000 internally displaced and 23,000 refugees, mostly from Bosnia-Herzegovina and Yugoslavia) with refugee or displaced person status at year's end, this number does not reflect fully an additional 140,000 former refugees (nearly all ethnic Croats from Bosnia-Herzegovina) who have become citizens of Croatia.

International monitors and NGO's assessed that the emigration of ethnic Serbs from the Danubian region to third countries continued, but at a much slower pace than in previous years. Despite the fact that the Government continued an intensive program to repair thousands of damaged homes in the Danubian region, government officials, NGO's, and international observers assessed that the reduction of population movements into and out of the region to a trickle indicates that the returns process is nearing its completion there. In the first 9 months of the year, only 3,004 (mostly ethnic Croat) displaced persons returned to their prewar homes within the region, and 2,688 (mostly ethnic Serb) displaced persons left the region for prewar homes elsewhere in Croatia. Of 70,000 (mostly ethnic Croats) who fled the region during the conflict, 49,000 have returned. Overall the ethnic Serb population in the region has fallen from a prewar number of 70,000 to an estimated 55,000 persons. While ethnic tensions continued in the Danubian region, the overall security situation was stable. The most salient disincentive to returns was the poor state of the regional economy.

President Mesic and Prime Minister Racan made frequent public statements encouraging the return and reintegration of all Croatian citizens to their prewar homes. These commitments were supported by several initiatives. In March the Government established a commission to address issues in the war-affected areas. While the commission largely had concentrated its efforts on the Danubian region, it made little progress effecting return and reintegration throughout the other war-affected regions of the country and lapsed into inactivity at year's end. Also in March, the Government signed a joint declaration with the Republika Srpska entity of Bosnia-Herzegovina to cooperate in a number of technical areas to facilitate two-way refugee returns. Some efforts were made to help register the return of 2,000 refugees from Bosnia; however, the other provisions of the declaration remained unfulfilled at year's end. In June the Government brokered the signing of a joint statement by leaders of the Croatian Serb and Bosnian Croat communities in Croatia that encourages returns and repossession of private property in an atmosphere of respect for human and civil rights; however, little progress was made during the year on property restitution. In June and July, the Government reformed two laws that previously discriminated against ethnic Serb returnees. The Law on Reconstruction regulates access to reconstruction assistance and the Law on Areas of Special State Concern provides incentives to revitalize war-affected areas.

Notwithstanding the reform of the two laws, there has been no significant administrative or legislative progress on restitution of property. The greatest outstanding obstacle to the return of all Croatian citizens is their inability to regain access to their prewar homes and properties. Existing mechanisms for the return of private property have worked best in the Danubian region where returnees tend to be ethnic Croats seeking to regain their homes from ethnic Serbs who are occupying them.

Nearly every other instance of restituted property occurred pursuant to a private agreement between the owner and occupier.

In May the Constitutional Court struck down provisions of the Law on the Status of Displaced Persons and Refugees that prohibited evictions unless alternative accommodation was provided for the evictee. This provision had the effect of reinforcing the legal precedence of temporary occupants over that of property owners, and it provided an easy means for hard-line officials to obstruct the process of minority returns. The law continued to contain other discriminatory language, notably the failure of positive amendments enacted in November 1999 to be applied retroactively, and that therefore allowed existing discriminatory definitions of "displaced person" and "refugee" to remain in effect.

There were persistent reports that humanitarian and reconstruction assistance was not distributed fairly by government agencies. The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance. However, the Government at times accused international organizations of bias in providing assistance only to ethnic Serb returnees.

The Government cooperated with UNHCR and other humanitarian and international organizations assisting refugees. The Government began implementation of the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Thus persons seeking refuge (notably from Kosovo and Yugoslavia) are given "temporary protection." Separately asylum seekers are processed by the Interior Ministry under the Law on Residence of Aliens. A working group of Interior Ministry and UNHCR officials continued its work drafting new legislation on asylum to meet international standards. The country provides first asylum and there were no reports of persons claiming asylum being returned to countries where they feared persecution.

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

All citizens over 18 years of age have the right to vote by secret ballot. The President is limited by the Constitution to two 5-year terms. President Stjepan Mesic was elected in two rounds of voting in January and February to a 5-year term to replace President Franjo Tudjman, who died in office in December 1999. The elections generally were well conducted, and irregularities (particularly at out-of-country polling stations) during the first round were addressed at the second round. OSCE monitors characterized the elections as "calm and orderly," noting that "voters were able to express their political will freely;" however, problems remained. The Citizenship Law and electoral legislation grant citizenship, and thereby the franchise, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country. Meanwhile the Government failed to ensure that many Croatian Serbs, who fled in 1995 and who wished to assume the responsibilities of Croatian citizenship, were able to document their Croatian citizenship in order to vote and ultimately to return. Progress on the documentation and return of ethnic Serb refugees continued to be slow (see Sections 1.d and 2.d.).

The Parliament comprises the (lower) House of Representatives and the (upper) House of Counties. During the January elections, an opposition coalition led by the Social Democratic Party (SDP) and the Croatian Social Liberal Party (HSL) won a majority of the lower house, ending 9 years of HDZ party rule. OSCE monitors characterized the voting as having made "marked progress" toward meeting OSCE standards. The 1999 electoral law that regulated the voting allowed independent monitoring by NGO's and the establishment of multiparty voting commissions.

Other concerns about the electoral process remained. The electoral law reduced the number of lower house seats reserved for ethnic minorities from seven to five (although minorities make up about 15 percent of the population). Previous legislation more closely matched the minority representation to the size of the minority population, and the 1999 reduction in minority seats was especially disadvantageous to ethnic Serbs.

Women and minorities were underrepresented in government and politics, although there were no legal restrictions on their participation. After the January lower house elections, 32 of 151 lower house seats were held by women, and 11 by ethnic (non-Croat) minorities. Of the upper house's 68 seats, 4 were held by women and 3 by ethnic minorities. On the local level, Milan Djukic, an ethnic Serb member of Parliament, was elected mayor of the town of Donji Lapac in September. Djukic thus became the first member of an ethnic Serb party to win a mayoralty outside of the Danubian region.

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

A variety of domestic and international human rights NGO's operate without government interference, investigating and publishing their findings on human rights cases. The Government generally is cooperative. The Parliamentary Ombudsman for Human Rights received over 1,500 individual complaints during the year. The Ombudsman met periodically with human rights groups and NGO representatives who reported that the Ombudsman is largely reactive, responding to individual complaints rather than setting an agenda for greater respect for human rights. Because it is a parliamentary rather than governmental office, the Ombudsman's authority to order compliance from government ministries is limited.

A number of NGO's, the largest being Citizens Organized to Monitor Elections (GONG) and Voice 99 (Glas 99), were active in organizing pre-electoral informational campaigns and in election monitoring at the January and February elections.

NGO's have difficulty soliciting contributions or donations to support their work, in part because there is no tax benefit for donors. NGO's also must pay taxes on contributions classified as income. Thus many human rights groups rely on international donations and government funding to pursue their work. NGO representatives reported that the new Government's attitude towards NGO's was improved significantly over that of the previous regime. NGO's were no longer harassed for criticizing the Government, and the Government's office for cooperation with NGO's, while operating with limited resources, was active in coordinating NGO and governmental efforts on human rights and civil society. However, while cooperation with government officials in Zagreb improved, a lack of follow-through on central government commitments by local authorities continued to be a problem.

International organizations, including the European Community Monitoring Mission, the OSCE, and the UNHCR among others, operated freely. In March the Government established a commission to address refugee returns and housing reconstruction in war-affected areas. This commission met periodically with NGO's, representatives of ethnic communities, and international organizations. However, after early promise, the commission lapsed into inactivity by year's end (see Section 2.d.). The Council of Europe (COE) in September, citing progress on human rights, decided to end its permanent monitoring of Croatia. Of 21 obligations which Croatia assumed when it joined the COE in 1996, 4 remained outstanding: The abolishment of discriminatory laws regulating refugee returns, full cooperation with ICTY, transformation of HTV into a private television station, and amending the constitutional law on minorities. In October the OSCE, citing a stable security environment in the Danubian region (Eastern Slavonia) and satisfactory local police performance there, terminated its police monitoring group in the region. The police monitoring function was assumed by a smaller cadre of civilian observers.

Committees in the Parliament and in the Government were tasked specifically with human and minority rights issues, and they met periodically throughout the year to discuss topics and legislation within their purview. The parliamentary Committee participated in several legislative initiatives including the package of laws on minority rights passed in May.

The Government's record of cooperation with the ICTY improved during the year; however, problems remained and several of the ICTY's requests remained unfulfilled at year's end. In February the Government formalized the status of the ICTY office in Zagreb (pending since 1996) and conceded the tribunal's jurisdiction to investigate possible war crimes committed during the 1995 military operations "Flash" and "Storm" (disputed by the previous regime). In March indictee Mladen Naletelic ("Tuta") was transferred to The Hague; he was the only publicly indicted war criminal known to be in Croatia (ICTY requested his extradition beginning in December 1998). In April tribunal investigators conducted a field investigation in Gospić with full governmental support; in 1999 the previous regime refused ICTY's request to conduct this investigation. In April the Parliament passed a declaration of cooperation with ICTY that confirmed the tribunal's jurisdiction and supported the punishment of all war criminals regardless of ethnicity or level of responsibility. In May the Government granted ICTY researchers long-sought access to archives. However, the authorities remained reluctant and were slow to provide timely access to witnesses and documentary evidence. Each time the Government fulfilled a tribunal request, hard-liners both within the Government and in society responded with harsh criticism.

In November ICTY Chief Prosecutor Carla del Ponte commented on the Government's cooperation in a report to the UN Security Council, noting, "there has indeed been an improvement in relations when compared with the previous policy of obstruction and delay adopted by the former Government." However, she continued, "where Croatia perceives cooperation to be against its political or narrow security

interests, a real difficulty still exists." Del Ponte went on to list a series of unfulfilled requests and disappointing developments, including the failure to provide requested materials in the trial of Dario Kordic, government leaks of ICTY documents, and a negative media campaign against the Tribunal fueled by these leaks. In December the Government passed a 13-point statement outlining its concerns and objections to some elements of its relationship with the ICTY. At year's end, both sides were working to resolve these difficulties.

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

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. Additionally members of all national groups and minorities shall have equal rights. While most of these rights were observed in practice, serious deficiencies continued, particularly with regard to ethnic discrimination of Serbs and Roma.

Women.—Although the Government collected only limited statistics on the problem, credible NGO observers reported that violence against women, including spousal abuse, remained a widespread and underreported problem. Alcohol abuse and poor economic circumstances for veterans of the military conflict were cited as contributing factors. Rape and spousal rape are illegal under the Penal Code; however, NGO's report that many women do not report rape or spousal rape.

During the autumn session of Parliament, the Government revoked 1997 Penal Code amendments that removed domestic violence from the categories of crimes to be prosecuted automatically by the state attorney. Thus a domestic violence case can again be initiated based on, for example, suspicions of health care workers or police rather than requiring the victim to press charges. Legislation passed in the autumn created a specific Penal Code provision for family violence to replace inadequate existing provisions, and to direct that perpetrators of family violence, in addition to punishment, be placed under supervision and receive psychiatric treatment. Amendments to the Law on Misdemeanors passed in the autumn are designed to protect victims by extending detention (for up to 30 days) of perpetrators of family violence, even during the defendant's appeal. There is only one women's shelter, in Zagreb.

The Government's Commission for Gender Equality participated in U.N.-sponsored Beijing Plus Five activities in June but overall was not very effective, according to NGO's and women's activists. Failing to collect statistical data on violence and discrimination against women, the Commission relied on data from 1996 and 1997 during Beijing Plus Five activities. The Commission's already small budget was slashed to 60 percent of its 1999 level and planned initiatives to encourage women's employment were not implemented for lack of resources.

The country is a transit point and lesser source and destination country for trafficking in women for the purposes of sexual exploitation (see Sections 6.c. and 6.f.).

Workplace sexual harassment is a violation of the Penal Code's section on abuse of power but is not specifically included in the employment law. NGO's reported that in practice, women often did not resort to the Penal Code for relief for fear of losing their jobs.

The law does not discriminate by gender. However, in practice women generally hold lower paying positions in the work force. Government statistics from previous years showed that, while women constituted roughly 50 percent of the work force, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of the workers. Considerable anecdotal evidence suggested that women hold by far the preponderance of low-level clerical, labor, and shopkeeping positions. Women in these positions often are among the first to be fired or laid off, particularly in times of corporate restructuring. NGO's and labor organizations reported a practice in which women received short-term work contracts renewable every 3 to 6 months, creating a climate of job insecurity for them. While men occasionally suffered from this practice, it was used disproportionately against women to dissuade them from taking maternity leave, although there were fewer reports of this practice during the year than in the previous year. Legislation was passed in 1999 limiting the use of short-term work contracts to a maximum of 3 years.

While there is no national organization devoted solely to the protection of women's rights, many small, independent groups were active in the capital and larger cities. Among the most active were B.A.B.E. ("Be Active, Be Emancipated") and the Center for Women Victims of War.

Children.—The Government is committed to the welfare of children. Education is free and mandatory through grade 8 (generally age 14). Schools provide free meals for children, subsidized daycare facilities are available in most communities even for

infants, medical care for children is free, and the Labor Code authorizes 1 full year of maternity leave and 3 years' leave for women with twins or more than two children. The majority of students continue their education to the age of 18, with Roma being the only group reporting any notable exception. Romani children face serious discrimination in schools, and nearly all drop out by grade 8. While there is no societal pattern of abuse of children, 1 NGO operating hotlines for sexual abuse victims recorded 62 cases of abuse of children in 1 month in the city of Split.

People with Disabilities.—The 1997 Law on Social Welfare and the Law on Construction specify access to public services and buildings for persons with disabilities; however, the construction rules do not mandate retro-fitting of facilities and are not always enforced, so access to such facilities is often difficult. While people with disabilities face no openly discriminatory measures, job opportunities generally are limited. Special education also is limited and poorly funded.

Religious Minorities.—Religion and ethnicity are closely linked in society, and religion sometimes was used to identify and single out non-Croats for discriminatory practices. However, most such incidents appeared to be motivated by ethnicity and not religion or religious doctrine. The close identification of religion with ethnicity periodically caused religious institutions to be targets of violence (see Section 2.c.), and there were persistent reports of vandalism to Serb Orthodox cemeteries and structures. In January two crucifixes were damaged on the property of the local Orthodox priest in Tenja, and windows were broken at an Orthodox Church in Borovo. In April swastikas were painted on the walls of the Jewish community center in Zagreb. No arrests were made in these incidents. In August unidentified perpetrators broke into the Orthodox Church in the Danubian town of Branjina and wrote anti-Serb messages on the walls; no arrests were made.

There were no further developments in the case of an August 1999 attack on the home of Mufti Sevk Omerbasic, the head of the Islamic community in the country. No one was charged in the August 1999 desecration of a memorial plaque in Cakovec marking the site of the synagogue destroyed during the Hungarian occupation in World War II.

National/Racial/Ethnic Minorities.—Constitutionally, ethnic minorities enjoy the same protection as other self-identified ethnic and religious groups; however, in practice a pattern of open and sometimes severe discrimination continued against ethnic Serbs and other minorities in a wide number of areas, including the administration of justice, employment, housing, and freedom of movement. A pattern of persistent and sometimes violent harassment and intimidation of ethnic Serbs in the war-affected regions continued to be a serious problem. Early in the year, senior government officials emphasized their commitment to non-discriminatory treatment of minorities; however, in some instances, government leaders failed to condemn highly-publicized incidents of discrimination and harassment of ethnic Serbs.

In May the Government passed a package of laws on minority rights, including a Constitutional law, that added nine new recognized minorities to the existing list of seven in the Constitution, including Muslims, Albanians, and Slovenes. Some observers, including ethnic Serb leaders, criticized the apparent haste and secrecy with which the constitutional law was passed. Government officials indicated that further amendments on minorities and local self-government would complement the Constitutional law; however, these amendments were not passed by year's end. Two other laws passed in May guaranteed equal status for minority languages and delineated minority educational rights. Nevertheless ethnic minorities, particularly Serbs and Roma, continued disproportionately to suffer discrimination. Ethnic Serb leaders reported improved communication with government officials, in contrast to the often tense relations under the previous Government.

There were two ethnically motivated killings, symptomatic of ethnic tensions throughout the country and particularly in the war-affected areas. In March on the Adriatic island of Vir, a 38-year-old ethnic Serb, who had returned to Croatia a week earlier after spending 8 years as a refugee in Yugoslavia, was beaten to death by three ethnic Croats shouting anti-Serb slogans. The perpetrators were arrested quickly, and international monitors assessed the police performance as satisfactory. However, the Government did not issue a statement condemning the incidents until several days had passed. At their October trial, two suspects were convicted of murder (receiving 10 and 9-year sentences) and the third was acquitted. During the same week, a 73-year-old ethnic Serb woman was stabbed to death in the western Slavonian town of Slatina by an ethnic Croat after an argument about war-related issues. The perpetrator was arrested quickly, was convicted of aggravated murder, and was sentenced to 9 years in prison.

Intimidation and violence against Serbs continued in war-affected areas during the year. In May about 50 ethnic Croats disrupted a ceremony in Veljun of mostly ethnic Serbs commemorating victims of a World War II Fascist massacre; one

woman urinated on the memorial, and Serb leader Dr. Milorad Pupovac was escorted out of the area for his own protection. Two weeks later, five ethnic Croats entered the area at night and damaged the memorial; all were arrested, but in August the charges against them were dropped for lack of evidence. In June in nearby Slunj, a group of ethnic Croats unveiled a memorial to a notorious World War II Fascist Colonel. President Mesic and Prime Minister Racan condemned these incidents. During the summer, anti-Serb posters appeared in several areas (Karlovac, Sisak, and Erdut) containing photos and the names of local ethnic Serbs and accusing them of war crimes. Police investigated these incidents and identified suspects, but prosecutors did not press charges and police did not always make arrests. The poster incidents, in particular, appeared designed to intimidate returning Serb refugees.

In the autumn, vigilante "wanted" lists (similar to the anti-Serb posters that appeared during the summer) accusing ethnic Serbs of war crimes appeared in the Danubian region. Some lists appeared on the Internet and others were posted in public places and delivered to ethnic Serb homes in the area. These lists both reflected and exacerbated ethnic tensions in the region. No senior government official condemned them. In October 15 ethnic Serbs (the "Baranja group") were arrested in Osijek on 1991 war crimes widely believed to be based on weak evidence (see Sections 1.a. and 1.d.). This led to speculation that the Osijek prosecutor was responding to the vigilante lists in pursuing the cases. Also in October, Judge Rogulja, an ethnic Serb on the Vukovar bench, was threatened by a mob of local Croats (that included county prefect Petar Cobankovic) shortly after he had issued a ruling to evict a Croat police commander who was occupying a home belonging to an ethnic Serb. The eviction never was carried out and the case later was transferred to another judge. No public officials, either at the municipal or national level, made any public statement about the incident or otherwise condemned the harassment of a judge (see Section 1.c.).

Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. The number of ethnic incidents reported to the police in the Danubian region fell to less than half its 1999 level. This development likely was due to a number of factors: A real decrease in the number of ethnic incidents, the failure of some police officers to regularly classify ethnic incidents as such, and a reluctance of ethnic Serbs to report harassment because of a sense that such incidents have become commonplace. Verbal and legal harassment, forcible evictions, and assaults occurred regularly (see Section 2.d.). The number of incidents in the Danubian city of Vukovar and the nearby town of Tenja remained particularly high. An ongoing problem was the accessibility of weapons left over from the war, including firearms and explosives, which frequently were used in incidents of harassment during the year. Ethnically motivated incidents of various levels of severity occurred at a rate of over 50 per month. In about two-thirds of these cases, the victim was an ethnic Serb. In addition to the two murders, serious incidents included several assaults and throwing of hand grenades onto private property. In March a group of ethnic Croats went from house to house in the Danubian town of Erdut terrorizing ethnic Serbs, including the local Orthodox priest and the local mayor. The 1,270 member police force in the Danubian region comprised 42 percent ethnic Serb and 53 percent ethnic Croat officers. There were periodic reports of tensions and incidents between ethnic Serb and Croat officers.

The situation was similar in other war-affected regions, with high levels of ethnic tension, particularly in areas where ethnic Serb refugees were returning to their prewar homes in large numbers. Observers expressed particular concern about the town of Benkovac in the Dalmatia region, where local Serbs expressed a lack of confidence in the performance and the impartiality of the local police force. In response the assistant Interior Minister investigated the Benkovac situation during the summer and replaced two senior local police officials. In April a hand grenade exploded in the garden of an ethnic Serb in the Dalmatian town of Imotski causing minor damages but no injuries; no arrests were made. In May in Cista Mala in the Dalmatian region, a 68-year-old ethnic Serb was beaten by four ethnic Croats, one of whom cut the victim with a knife and urinated on him. Local police apprehended the perpetrators quickly. The main perpetrator was convicted of assault and was serving a 1-year sentence at year's end. The ethnic Croat mayor of the neighboring town of Cista Velika expressed his regret over the incident.

The Constitution and the package of minority laws passed in May provide the legal basis and right for education in the languages of recognized minorities. However, problems remained. For example, in textbooks the history of the former Yugoslavia has been omitted in favor of a more nationalistic Croat interpretation, and new textbooks have used derogatory adjectives in reference to minorities. Government pledges to provide more balanced textbooks went unfulfilled. In July the Edu-

cation Minister directed five county prefects outside the Danubian region to survey their students to determine how many would be interested in classes conducted in Serbian. Such classes already are available in the Danubian region.

The Citizenship Law distinguishes between those who have a claim to Croatian ethnicity and those who do not. Ethnic Croats are eligible to become citizens, even if they were not citizens of the former Socialist Republic of Croatia, as long as they submit a written statement that they consider themselves Croatian citizens. Persons who are not ethnic Croats must satisfy more stringent requirements through naturalization in order to obtain citizenship. Even those who previously were lawful residents of Croatia in the former Yugoslavia (see Section 1.d.) were compelled to provide proof of previous residence and citizenship not demanded of ethnic Croats. NGO's assisting ethnic Serbs with documentation issues continued to report local officials applying this legal double standard. These obstacles to ethnic Serbs' ability to document their citizenship led to discrimination in other areas, including the right to vote (see Section 3). While a citizenship application is pending, the applicant is denied social benefits including medical care, pensions, free education, and employment in the civil service. Denials frequently were based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a permanent residence on the territory of Croatia for the 5 years preceding the application for citizenship). However, the Interior Ministry began recognizing the period that (mostly ethnic Serbs) spent outside the country as refugees as applicable to the 5-year residency requirement.

In March the Government established a commission led by Deputy Prime Minister Goran Granic to address issues in the war-affected areas. It met several times in various formats, bringing together government ministries, the international community, NGO's, and representatives of the ethnic communities. However, the commission lapsed into inactivity by year's end.

A serious and ongoing impediment to the return and reintegration of ethnic Serb refugees is the failure of the Government to recognize or "convalidate" their legal and administrative documents from the period of the 1991-1995 conflict. Despite the 1997 adoption of a convalidation law to allow the recognition of documents issued by the rebel Serb para-State, this legislation was not put into practice fully because several ministries failed to adopt implementing instructions. While the law itself did not include a deadline for filing applications, a decree issued by the previous regime did fix an April 1999 filing deadline (impossible to meet for many ethnic Serbs who still were refugees outside the country). Even persons who filed before this deadline experienced arbitrary delays and obstructions. Without the recognition conferred by the law, citizens (almost exclusively ethnic Serbs) continued to be unable to resolve a wide range of problems including pensions, disability insurance, unemployment benefits, the recognition of births, deaths, and marriages, and even confirmation of time served in prison. The majority of requests are from elderly persons and relate to pension and employment histories from occupied territories during the conflict. This made resumption of a normal life almost impossible for this group. Also, contrary to the law, the state pension fund unilaterally and improperly denied some pension applications from ethnic Serbs. In 1999 one NGO providing legal assistance had files on 9,000 unresolved convalidation cases in Osijek alone.

Serb property owners whose homes were occupied by ethnic Croat refugees from elsewhere in the former Yugoslavia, mostly from Bosnia and Kosovo, remained unable to access their property, despite the 1998 program for returns, which mandated multiethnic "housing commissions" to implement property restitution. A lack of alternative housing in many areas and the lack of political will to evict ethnic Croat occupiers without alternative housing in favor of Serb homeowners resulted in only a handful of restituted properties outside of the Danubian region (see Section 1.f.).

Discrimination and violence against Roma continued. The 1991 Yugoslav census counted only 6,700 Roma in Croatia, but government officials and NGO's agree that this was a serious undercount and that the true number of Croatian Roma may be 30,000 to 40,000. Protective of their culture and reluctant to assimilate, Roma faced a host of obstacles, including language (many, especially women, have only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and societal discrimination, and lack of Government will to address such abuses. There were no reports of police beatings of Roma during the year.

The European Roma Rights Center (ERRC) reported that on April 23, a group of 15 ethnic Croats beat a 23-year-old Romani man in Luka, northwest of Zagreb. Human Rights Watch reported that in May, local authorities in Varazdin County ordered 420 Roma to move from their settlement in the village of Strmec Prodravski

after refusing to allow them to build more permanent homes and a water and electricity supply. The ERRC also reported that on June 1, a group of youths allegedly beat and threatened to rape a 9-year-old Romani girl in Zagreb. After her family confronted the attackers, a larger group of youths reportedly went to the Romani family's house, threw a brick through a window, damaged their car, and yelled insults at the family. The police then intervened and detained three of the attackers and four Roma.

An estimated 10 percent of Croatian Romani children begin primary school, and of these only 10 percent go on to secondary school. There were only an estimated 50 Romani students in secondary school throughout the country during the year. Those individuals going beyond secondary school tended to leave the settlements and assimilate into mainstream society, depriving Romani communities of valuable skills. In several instances, including in Varazdin and Zagreb, local officials segregated Romani students into separate classes without the same level of materials or instructors available to regular students.

The situation of other minority groups—such as Slovaks, Czechs, Italians, and Hungarians—did not reflect discrimination to the same extent as that of the Serb and Roma communities.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled to form or join unions of their own choosing without prior authorization. There is an active labor movement with one major and four minor national labor federations and independent associations of both blue- and white-collar members. Approximately 64 percent of workers are members of unions. In general unions are independent of the Government and political parties.

The law prohibits retaliation against strikers participating in legal strikes. Workers only may strike at the end of a contract or in specific circumstances mentioned in the contract. The Supreme Court has ruled in the past that workers may not strike for nonpayment of wages.

In December facing budget cuts, the Government unilaterally abrogated collective bargaining agreements with five public sector unions. While this action was legal under the terms of the agreements, it sparked protests and created concerns about the Government's respect for employment rights.

When negotiating a new contract, workers are required to go through mediation before they can strike. Labor and management choose the mediator together. If they cannot agree, the Labor Law calls for a tripartite commission of labor, business, and government representatives to appoint one. The tripartite commission began to meet regularly during the year and prepared its first list of mediators. Arbitration never is mandatory but can be used if both sides agree. Only after submitting to mediation and formally filing a statement that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant can be dismissed, and the union held liable for damages. No strikes were found to be illegal during the year.

The right to strike is provided for in the Constitution with these limitations and with additional limits on members of the armed forces, police, government administration, and public services. During the year, authorities permitted frequent labor demonstrations both in Zagreb's main square and in front of the Parliament. The strikes were nearly all over nonpayment of wages. The employees of NAMA, a department store chain, staged several demonstrations during the year over this issue. In addition farmers in eastern Slavonia staged several demonstrations over nonpayment for their produce. On December 8, the public employee unions held a non-violent nationwide strike calling for higher wages.

Laws limiting the right to assembly were not used against labor demonstrations during the year.

The ILO Committee of Experts in 1999 requested the Government, in consultation with trade unions, to set criteria and a time frame for the division of office space and property formerly owned by the unions during the Communist era. While the five labor confederations signed the preliminary agreement, there was no further progress on this issue by year's end. In April the Ministry of Defense returned a Zagreb-area facility that had been used since 1990 as an army training site to the UATUC confederation.

Unions may affiliate freely internationally.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law and practiced freely. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The transition to private enterprise and a free market economy kept labor unions under pressure at the same time that they were making progress towards estab-

lishing themselves as genuine trade unions, representative of their members rather than the Government. Unemployment remained high at 22.4 percent at year's end overall and much higher in some war-affected areas. The nonpayment of wages continued to be a serious problem; over 100,000 workers (10 percent of the workforce) failed to receive their salaries on time. During the summer, the Government signed an agreement with unions providing that all state-owned companies (the assets of which were controlled by the Croatian privatization fund) would pay salaries on time; however, some unions complained that the Government did not abide by this commitment. A further problem was that when salaries were not paid, associated contributions into the social welfare system also lagged, with the result that unpaid workers also were denied health coverage.

The Labor Code deals directly with antiunion discrimination issues. It expressly allows unions to challenge firings in court. No reports of systematic firings on grounds of ethnicity were reported during the year. However, in the high-profile "Magma" case, violations of labor rights were alleged. The Minister of Economy, Goranko Fizulic, his wife, and a U.K.-based investment company were co-owners of the "Magma" company in Zagreb. When workers unionized early in the year, Fizulic assured them that he would respect their wishes. Soon after, the union's president, all eight members of the executive board, and three union organizers were fired. The workers still were challenging the firings in court at year's end. Generally citizens' attempts to seek redress through the legal system were hampered seriously by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see Section 1.e.). There were no reports of the Government employing coercion or other illegal methods to induce striking employees to return to work. There were no further developments in the investigation of the beating of the vice president of the Locomotive Engineers Union by unknown assailants during tense contract negotiations in 1999.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and there were no reports of these practices; however, there were occasional instances of women trafficked through the country for the purpose of forced prostitution (see Section 6.f.). While legislation does not explicitly cover children, the constitutional ban is comprehensive in this area, and the Government enforces this prohibition effectively. The Ministry of Labor and Social Welfare is the agency charged with enforcing the ban on coerced or forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 15 years (the same as the ILO Convention standard), and it is enforced by the Ministry of Labor and Social Welfare. Children may not be employed before reaching the legal age and are not allowed to perform work that is harmful to their health or morality. There is no reported pattern of abuse of child labor. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. Education is free, universal, and mandatory up to the age of 14, generally. Children usually finish secondary school, and a high proportion go on to university. The broad constitutional prohibition against forced or compulsory labor encompasses children, and there were no reported instances of such cases.

e. Acceptable Conditions of Work.—In 1999 the Government signed a collective bargaining agreement establishing a minimum wage of about \$210 (1,700 kuna) per month. In July the government Bureau of Statistics estimated that the average net monthly wage was approximately \$400 (3,275 kuna), which is not sufficient to provide a decent standard of living for a worker and family.

National regulations provide for a 42-hour workweek including a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. Workers receive time-and-a-half pay for any hours worked beyond 42. However, most unions have negotiated a 40-hour workweek.

Health and safety standards are set by the Government and are enforced by the Ministry of Health. The 1997 Health and Safety Law allowed unions to appoint health and safety stewards in companies, but their activities are regulated by collective agreements. In practice industries are not diligent in meeting standards for worker protection. It is common, for example, to find workers without hardhats on construction sites and for workers to remove safety devices from dangerous equipment. Workers can in theory remove themselves from hazardous conditions at work and would have recourse through the courts if they felt that they had been dismissed wrongfully for doing so; there were no reports of wrongful dismissal complaints over workplace safety during the year.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons. However, existing laws can be used to prosecute traffickers. No statistical information on trafficking exists, although U.N. officials tracking the issue re-

gionally and local NGO's indicate that Croatia is primarily a transit country, as well as a lesser source and destination country for women trafficked to other parts of Europe for forced prostitution (see Sections 5 and 6.c.). Women reportedly were trafficked through Bosnia-Herzegovina and Yugoslavia to Croatia, where some remained to work as prostitutes or are trafficked to other destinations.

Public awareness of trafficking is low. There were no government or NGO programs to deal with the prevention of trafficking during the year; however, government officials and NGO's are working to develop an antitrafficking strategy.

There were few support services available for trafficking victims. There is one women's shelter that occasionally helps trafficked women.

CYPRUS

Prior to 1974, Cyprus experienced a long period of intercommunal strife between its Greek Cypriot and Turkish Cypriot communities. In response the United Nations Force in Cyprus (UNFICYP) began peacekeeping operations in March 1964. The island has been divided since the Turkish military intervention of 1974, following a coup d'etat directed from Greece. Since 1974 the southern part of the island has been under the control of the Government of the Republic of Cyprus. The northern part is ruled by a Turkish Cypriot administration. In 1983 that administration proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC"). The "TRNC" is not recognized by the United States or any other country except Turkey. The two parts are separated by a buffer zone patrolled by the UNFICYP. A substantial number of Turkish troops remain on the island. In both the government-controlled areas and in the Turkish Cypriot community democratic principles generally are respected. Glafcos Clerides was reelected President of the Republic of Cyprus in 1998; in April 2000 Rauf Denktash was declared "President" after "Prime Minister" Derwish Eroglu withdrew following the first round of Turkish Cypriot elections. The judiciary is independent in both communities.

Police in the government-controlled area and in the Turkish Cypriot community are responsible for law enforcement. Police forces operating in the government-controlled area are under civilian control, while military authorities direct Turkish Cypriot police forces. In general the police forces of both sides respect the rule of law, but instances of police abuse of power continued.

Both Cypriot economies operate on the basis of free market principles, although in each community there are significant administrative controls. The government-controlled part of the island has a robust, service-oriented economy, with a declining manufacturing base and a small agricultural sector. Tourism and trade generate 22 percent of gross domestic product and employ 29 percent of the labor force. In 2000 per capita income was approximately \$12,902, inflation was 4.5 percent, and unemployment was 3.5 percent. Growth was 4.8 percent, compared with 4.5 percent in 1999. The Turkish Cypriot economy is handicapped by restrictions imposed by the Government of Cyprus and other international institutions. In addition it relies heavily on subsidies from Turkey and is burdened by an overly large public sector. It, too, is basically service-oriented, but has a smaller tourism and trade base—accounting for 14 percent of gross domestic product employing 10 percent of the workforce—and a larger agricultural sector. During the year, per capita income in the north was approximately \$5,263, and inflation was 60 percent. Growth in the north was 5.3 percent in 2000, compared with 4.9 percent in 1999.

The Government of the Republic of Cyprus generally respected human rights; however, instances of police brutality continued to be a problem.

The Turkish Cypriot authorities generally respected human rights; however, police abuse of suspects' and detainees' rights continued. The authorities also continued to restrict freedom of movement. Since December 1997, the Turkish Cypriot authorities have banned most bicomunal contacts between Turkish Cypriots and Greek Cypriots, including previously frequent meetings in Nicosia's buffer zone. They sometimes attempted to prevent Turkish Cypriots from travelling to bicomunal meetings off the island as well. In May Turkish Cypriot officials lowered the "visa" fees for crossing the buffer zone. The Turkish Cypriot authorities have taken some steps to improve the conditions of Greek Cypriots and Maronites living in the territory under their control, but the treatment of these groups still falls short of Turkish Cypriot obligations under the Vienna III Agreement of 1975.

Violence against women and trafficking in women for forced prostitution remained problems in both areas.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

Turkish Cypriot authorities still have not conducted a credible investigation of the 1996 murder of a prominent leftist Turkish Cypriot journalist, Kutlu Adali, who wrote articles critical of Turkey's role in the north.

In 1996 Turkish Cypriot civilian police killed a Greek Cypriot demonstrator who had entered the U.N. buffer zone, and the police participated in the beating death of another. Again, there has not been any significant investigation by Turkish Cypriot authorities of the killings. The family of one of the deceased filed a case against Turkey in the European Court of Human Rights (ECHR), which declared the case admissible in June 1999. The case was 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.—Both the Constitution of the Republic of Cyprus and the basic law governing the Turkish Cypriot community specifically prohibit torture, the law in both communities prohibits such practices, and the authorities generally respect these provisions in practice; however, instances of Cypriot police brutality against suspects in detention continued, mostly involving non-Cypriots. One officer was tried and acquitted in March in connection with the October 1998 beating of illegal immigrant detainees by members of a special police unit (see Section 2.d.).

On December 21, the ECHR found the Cypriot Government guilty of police abuse during the 1995 arrest for drug smuggling of Turkish Cypriot Erkan Egmez and ordered the Government to pay Egmez \$16,000 (10,400 pounds sterling) in compensation.

The former European Commission on Human Rights agreed in January 1998 to investigate complaints by nine Turkish Cypriots that Greek Cypriot police mistreated them in 1994 and expelled them to the north. The complainants allege they were threatened with death if they returned to the south and that Greek Cypriot police were responsible for the death of one complainant's son, who did return to the south later in 1994. The Cypriot Government denies all the charges; the Commission took oral evidence in the case in Nicosia in September 1998. The case was pending at year's end.

While there were no public allegations of police brutality in the Turkish Cypriot community, there were credible reports of pervasive police abuse of power and routine harsh treatment of detainees (see Section 1.d.).

Prison conditions in general meet minimum international standards. According to a report issued in May by the government Ombudsman, prisoners with psychiatric problems in the south do not receive proper medical care. Persons incarcerated in jails in the south on minor charges are mixed with more hardened, violent criminals.

The Cypriot Government and the Turkish Cypriot authorities permit prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—Throughout Cyprus the police respect laws providing for freedom from arbitrary arrest and detention. Judicially issued arrest warrants are required. No one may be detained for more than a day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention do not exceed 8 to 10 days before formal charges are filed. Attorneys generally have access to detainees; bail is permitted. The Government of Cyprus claims the right to deport foreign nationals for reasons of public interest whether or not they have been charged with or convicted of a crime.

Some abuses of power occur at the hands of the Turkish Cypriot police, generally at the time of arrest. Suspects sometimes are not permitted to have their lawyers present when testimony is being taken, a right provided under the Turkish Cypriot basic law. Suspects who demand the presence of a lawyer may be threatened with stiffer charges or even physically intimidated. A high percentage of convictions in the Turkish Cypriot community are obtained with confessions made during initial police interrogation under these conditions. According to credible reports, police are known to abuse their right to hold persons up to 24 hours before having to go before a judge. Police officers use this tactic against persons suspected of serious crimes or believed to have behaved in a manner deemed insulting to the officer. The suspects are then released within 24 hours without charges having been filed.

On December 1, Greek Cypriot police arrested Omer Gazi Tekogul for possession of 2 kilograms of heroin near the village of Pyla, located in the United Nations Buffer Zone. Shortly after Tekogul's arrest, a Turkish Cypriot official told UNFICYP that Greek Cypriots would "disappear" in retaliation for Tekogul's arrest (this state-

ment was later repudiated by Rauf Denktash). On December 13, Turkish Cypriot authorities arrested Greek Cypriot Panicos Tziakourmas for possession of marijuana. An SBA police investigation points to Tziakourmas being seized by Turkish Cypriots on SBA territory and found no evidence of marijuana. Turkish Cypriot authorities claim that Tziakourmas was arrested in the north. Both cases were pending at year's end.

Exile is prohibited specifically by the Constitution and by the basic law governing the Turkish Cypriot community, and is not used.

e. Denial of Fair Public Trial.—The judiciary is legally independent of executive or military influence in both communities, and it is independent in practice.

On both sides, most criminal and civil cases begin in district courts, from which appeals are made to Supreme Courts. No special courts exist for security or political offenses.

Cyprus inherited many elements of its legal system from the United Kingdom, including the presumption of innocence, the right to due process, and the right of appeal. Throughout Cyprus, a fair public trial is provided for in law and accorded in practice. Defendants have the right to be present at their trials, to be represented by counsel (at government expense for those who cannot afford one), to confront witnesses, and to present evidence in their own defense.

On the Turkish Cypriot side, civilians deemed to have violated military zones or military regulations are subject to trial in a military court. These courts consist of one military and two civilian judges and a civilian prosecutor. Members of the Turkish Cypriot bar have complained that civilian judges tend to defer to their military colleagues in such hearings.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Both the Cyprus Constitution and the basic law governing the Turkish Cypriot community include provisions to protect the individual against arbitrary interference by the authorities, and a judicial warrant is required for a police official to enter a private residence. Although authorities on both sides generally respected these provisions in practice, police on both sides have subjected members of the other community resident in their area to surveillance (see Section 5).

The Turkish Cypriot authorities restrict the ability of Greek Cypriots and Maronites living in the north to change their place of residence at will (see Section 5).

In May Turkish Cypriot authorities announced that Greek Cypriots and Maronites resident in the north may bring their spouses to reside with them in the north. Greek Cypriot marriage certificates will be recognized as proof of marriage. Previously this required special permission, which was difficult to obtain. One such marriage took place during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Freedom of speech and of the press are provided for by law, and these rights are respected in practice throughout the island. The proliferation of party and independent newspapers and periodicals in both communities enables ideas and arguments to circulate freely. Opposition papers frequently criticize the authorities. Several private television and radio stations in the Greek Cypriot community compete effectively with the government-controlled stations. In addition to 2 smaller, university-run radio stations, 11 private radio stations operate in the Turkish Cypriot community along with 4 private television stations. International broadcasts are available without interference throughout the island, including telecasts from Turkey and Greece.

In 1998 Turkish Cypriot officials filed a number of court actions against newspapers and journalists, alleging that certain articles "damaged the prestige of the state." Five complaints against the Turkish Cypriot daily newspaper *Avrupa* were consolidated into one court action. In December 1999, a court ruled that the newspaper was liable and fined it approximately \$215,000 (120 billion Turkish lira). In May 2000 court bailiffs seized the newspaper's computers and other equipment to satisfy partially the court judgement. The newspaper was closed for a day until alternate production facilities were found. In July the owner-editor of the same newspaper, two journalists and a photographer from the newspaper, and a Turkish Cypriot "security forces officer" and his wife were taken into custody on suspicion of espionage. The journalists and photographer were released later without being charged. The owner-editor and the "officer" and his wife were released but barred from leaving the north. They were not formally charged and faced rearrest at any time. The same newspaper was acquitted in September of charges based on a 1998 story alleging that Turkish Cypriot soldiers assaulted a Turkish Cypriot family after a dispute over housing.

Restrictions sometimes were imposed on the ability of journalists to cross the buffer zone to cover news events. The Cypriot Government denied entry to the south for visiting Turkish journalists who arrived in Cyprus through ports of entry in the north. In retaliation Turkish Cypriot authorities sometimes required Greek Cypriot journalists to purchase a "visa" to enter the north, which the journalists refused to do. Current Turkish Cypriot policy, while applied inconsistently, is to permit Greek Cypriot journalists travelling as a group to cover events in the north without paying a "visa" fee, but not to allow Greek journalists entry unless they pay the fee. Individual Greek Cypriot journalists usually also must pay the fees.

Academic freedom generally is respected throughout the island.

b. Freedom of Peaceful Assembly and Association.—The freedom to hold meetings, associate, and organize is protected by law, and the Government respects these rights in practice.

Although Turkish Cypriot authorities also generally respected these rights, they imposed restrictions on bicomunal meetings (see Section 2.d.).

c. Freedom of Religion.—Freedom of religion generally is respected. The Constitution of the Republic of Cyprus recognizes five religions that are exempt from taxes and receive government subsidies. Other religions may register routinely as non-profit organizations and receive tax exemptions, but not subsidies. In the Turkish Cypriot area, no religion is recognized in the basic law, but Islamic institutions receive tax exemptions and subsidies through the Wakf religious trust; no other church receives exemptions or subsidies. Although missionaries have the legal right to proselytize in both communities, missionary activities are monitored closely by the Greek Cypriot Orthodox Church and by both Greek Cypriot and Turkish Cypriot authorities.

Turkish Cypriots residing in the southern part of the island and non-Muslims in the north are allowed to practice their religions. Restrictions on the right of Greek Cypriots resident in the north to visit Apostolos Andreas monastery were eased in 1998; they now may visit the monastery without restriction. Maronites may not visit certain religious sites in the north located in military zones. Armenians may not visit any religious sites in the north. A Greek Cypriot application to allow a second priest to reside in the north to assist the elderly Orthodox priest already in the north has been pending for more than 3 years.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Greek Cypriots and Turkish Cypriots enjoy freedom of movement within their respective areas. Both authorities respect the right to travel abroad and to emigrate. Turkish Cypriots have difficulty traveling to most countries because travel documents issued by the "Turkish Republic of Northern Cyprus" are recognized only by Turkey. Most Turkish Cypriots use Turkish travel documents instead.

Republic of Cyprus authorities discourage travel to the northern part of the island. They permit only day travel by tourists to the north, sometimes arbitrarily refuse permission to non-Cypriots to cross to the north, and pressure foreigners working in Cyprus not to cross to the north. They have declared that it is illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the government-controlled area by foreigners who have entered Cyprus from the north. Turkish Cypriots traveling to the south must seek prior permission from the Turkish Cypriot authorities and must provide the Turkish Cypriot authorities with an itinerary and the purpose of their travel. To pass the Greek Cypriot checkpoint, Turkish Cypriots must provide their planned itinerary to the checkpoint police. They do not need to notify the checkpoint police in advance but do need to prove they are Turkish Cypriots. There is no limit on how long they may remain in the south.

Turkish Cypriot authorities generally allow visits to the north by persons who initially enter Cyprus in the south, but they have denied entry to foreigners of Turkish Cypriot origin who enter Cyprus in the south. In 1995 the Turkish Cypriot authorities instituted a policy under which foreign nationals of Greek Cypriot origin would be permitted to visit the Turkish Cypriot-controlled areas. However, implementation of the procedures has remained inconsistent, and visitors of Greek Cypriot or Armenian origin, or even persons having Greek or Armenian names, may face considerable difficulties entering the north.

In May Turkish Cypriot authorities lowered "visa" fees at the main Nicosia checkpoint to 1 pound sterling. Greeks and Greek Cypriots still must obtain a formal "TRNC visa" to visit the north. Maronites are charged the same 1 pound sterling fee each time they cross. Requests to cross into the north must be submitted 48 hours in advance.

Following an agreement in 1997 on reciprocal visits to religious sites, a number of visits again occurred during the year. The Cypriot Government permitted over 1,400 Turkish Cypriots to make a pilgrimage to a Moslem shrine in the south in

March and allowed another 1,300 to travel in June. In April a group of approximately 1,950 Greek Cypriots visited the Apostolos Andreas monastery in the north.

On July 1, Turkish forces established a new manned checkpoint in a location adjacent to the Greek Cypriot village of Strovilia and the British eastern SBA. Although access to Strovilia has been largely unimpeded, the checkpoint now provides Turkish forces the ability to control the approach to the village. Despite protests from UNFICYP and others, Turkish forces remained at the contested checkpoint in violation of the status quo.

On July 31, Greek Cypriot officials denied Turkish Cypriots land passage to Kokkina. Visits to this pocket of land—surrounded by the government-controlled area—that contains a memorial are included in the 1997 reciprocal visit agreement. In August and November Turkish Cypriot officials denied access to southern Greek Cypriots to visit the Apostolos Andreas monastery.

In 1996 the ECHR ruled 11 to 6 that Turkey committed a continuing violation of the rights of a Greek Cypriot woman by preventing her from going to her property located in north Cyprus. The ruling reaffirmed the validity of property deeds issued prior to 1974. The Court also found in this case that “it was obvious from the large number of troops engaged in active duties in northern Cyprus that the Turkish army exercised effective overall control there. In the circumstances of the case, this entailed Turkey’s responsibility for the policies and actions of the “TRNC.” In July 1998 the court ordered Turkey to pay the woman approximately \$915,000 in damages and costs by October 28, 1998. The Turkish Government stated that it cannot implement the Court’s decision, which it contends is a political decision, and argued that the land in question is not Turkish but is part of the “Turkish Republic of Northern Cyprus.” The Council of Europe (COE) during 2000 continued to call on the Turkish Government to comply with the Court’s decision. In July the COE Committee of Ministers issued a resolution deploring Turkey’s lack of compliance and strongly urging it to comply fully and without further delay with the ECHR judgment. About 150 similar cases filed by Greek Cypriots against Turkey have been declared admissible by the ECHR, but no judgement was issued on any of the other cases by year’s end.

Turkish Cypriot authorities in the past had approved most applications for Turkish Cypriots to participate in bicomunal meetings in the U.N.-controlled buffer zone, but on December 27, 1997, they suspended Turkish Cypriot participation in these meetings pending a reevaluation of bicomunal activities. The “suspension” soon became an effective Turkish Cypriot ban on bicomunal contacts on Cyprus. Whereas in 1997 thousands of Greek Cypriots and Turkish Cypriots participated in bicomunal events, in which mixed groups met to discuss such topics as the environment, family violence, management techniques, business operations, and legal questions, the Turkish Cypriot ban halted almost all of those contacts. However, since June Turkish Cypriot authorities have eased the ban. On a case-by-case basis, the Turkish Cypriot authorities allowed some Turkish Cypriots to participate in bicomunal events in and across the buffer zone. Greek Cypriots still must obtain a Turkish Cypriot “visa” to visit the north. Turkish Cypriot authorities also attempted to interfere with some bicomunal events taking place outside Cyprus by requiring civil servants to seek permission from their respective employer and the Turkish Cypriot “Ministry of Foreign Affairs” before confirming their participation. Enforcement of the policy has been inconsistent, with some public officials permitted to attend off-island bicomunal events. Private citizens have been allowed to travel to off-island bicomunal events.

In recent years, Turkish Cypriot authorities have announced the easing of restrictions on the approximately 580 Greek Cypriots and Maronites living in the north. Turkish Cypriot authorities usually grant the applications of Greek Cypriot residents in the north to visit the government-controlled area. The limit on visits to the south was extended in 1998 from 15 days per month to a total of 6 months per year. The applicants must return within the designated period or risk losing their right to return and to keep their property, although this rule rarely is enforced in practice. In 1997 Turkish Cypriot authorities also eliminated the previous monthly limit on visits by close family relatives of Greek Cypriots and Maronites resident in the north (it was once per month until 1996 and twice per month thereafter). A limit on overnight stays also was increased from 2 days and 3 nights, to a “reasonable period” (said period to be determined by Turkish Cypriot authorities), with extensions possible. However, there are reports that Turkish Cypriot authorities have prevented family relatives from extending their stays in the north. There are also reports that Turkish Cypriot authorities have prevented unlimited travel to the north (as accorded by the 1997 elimination of a limit on visits) by family relatives. Greek Cypriots visiting from the south still may not travel in the north in their personal vehicles but must use taxis or buses and pay the crossing fee. In September,

after a 4-year wait, Turkish Cypriot authorities allowed the wife of the Orthodox priest resident in the north to rejoin her husband. The wife had left the north to care for the couple's children.

Similar restrictions exist for visits by Maronite residents of the north to the government-controlled areas, but they are applied much more loosely than restrictions on Greek Cypriots, and Maronite travel is relatively free. However, Maronite residents also must pay the required crossing fees.

While in the past the Turkish Cypriot authorities permitted school holiday and weekend visits to the north only by children under the ages of 16 (male) and 18 (female), the age limits for Maronite students and female Greek Cypriot students were lifted entirely in 1998. In May Turkish Cypriot officials announced that male Greek Cypriot students of military draft age who can show documentation proving they are full-time students, and therefore not yet performing military duties, may continue to visit the north.

According to regulations announced in October 1998, the Turkish Cypriot authorities no longer require Greek Cypriots or Maronites resident in the north to obtain police permits for internal travel in the north. They may use private vehicles registered and insured in the north. Implementation of the new policy has been inconsistent.

The Government generally cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). With the increasing number of illegal immigrants finding their way to Cyprus in small boats, the Government of Cyprus is receiving a growing number of asylum applications: 300 to 400 per year. These cases are referred to the local UNHCR office for evaluation. If recognized as a refugee, the applicant is granted a 3-year residence permit renewable for 3 additional years. If applicants meet the criteria for refugee status, they are permitted to remain and are given temporary work permits. However, applicants generally are not granted permanent resettlement rights. Applicants are permitted to remain until resettlement in a third country can be arranged.

In January, in accordance with the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol, the Cyprus legislature passed an asylum law designed to grant temporary residence to asylum applicants until their applications are reviewed by the competent government authority. The law is designed to transfer responsibility for the asylum application process from the UNHCR to the Government. However, there have been delays in establishing a relevant government authority, and the UNHCR continues to review asylum applications. In July the Government established a 130-bed detention facility for housing arriving immigrants until their cases can be evaluated. In the north, authorities generally cooperated with refugee authorities. Working with the assistance of a local nongovernmental organization (NGO), the UNHCR recognized 2 persons as refugees in 1999 and 15 persons as refugees in 2000.

In 1998–2000 groups of illegal immigrants attempting to reach Western Europe instead landed on Cyprus after their overcrowded vessels encountered problems at sea. A group of 34 Syrian Kurds, all of whom applied for asylum with the UNHCR, arrived on November 15. On December 12, the UNHCR notified the Government of the 34 pending asylum applications. The same day, under a bilateral agreement between Cyprus and Syria for the return of all illegal immigrants departing from Syrian ports, the Government returned the immigrants to Syria. The Government did not consult with the UNHCR prior to the return of the Syrian Kurds.

On September 13, 266 persons arrived on Cyprus from Lebanon after Greek Cypriot authorities rescued them from a sinking boat. The immigrants were held on a boat in Limassol port until Cypriot authorities, under an agreement between Cyprus and Lebanon calling for the return of illegal immigrants departing from any Lebanese port, transported them to Lebanon October 3. Despite requests to the Government, representatives of the UNHCR did not meet with the immigrants and were unable to determine their asylum status.

According to the Government, no individuals recognized as refugees were returned to countries where they credibly feared persecution.

A group of 100 persons, all of whom applied for political asylum, arrived in June 1998. Only 23 were granted asylum. Most of those who did not receive asylum were detained and then deported against their will in late 1998 and early 1999. Prior to that, in October 1998, a special police unit was filmed by local television cameras kicking and beating the detainees with batons, while stopping a protest during which the detainees burned their bedding. An examination of the immigrants, mostly Africans, by a forensic pathologist revealed that most were injured, some seriously. The Attorney General ordered an investigation, and charges were brought against the officer in charge. In July the officer was acquitted of using excessive

force in quelling the protest. Later in July, the Attorney General appealed the court's decision; the appeal was pending at year's end.

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

Multiparty political systems exist throughout Cyprus. Under the Republic's Constitution, political parties compete for popular support actively and without restriction. Suffrage is universal, and elections are held by secret ballot. Elections for the office of President are held every 5 years; in February 1998 President Clerides won reelection to a new 5-year term. Elections for members of the House of Representatives are held every 5 years or less.

The Turkish Cypriots living in northern Cyprus elect a leader and a representative body every 5 years or less; in December 1998 they chose a new "National Assembly." In April 2000 Rauf Denktaş was named Turkish Cypriot leader after his opponent, "Prime Minister" Derviş Eroglu, withdrew between the first and second round of voting.

Under the 1960 Constitution, voting took place on a communal basis. Therefore, since the breakdown in 1963 of bicomunal governing arrangements, and since the 1974 de facto partition of the island, Turkish Cypriots living in the government-controlled area are barred from voting there, although they may travel to the north to vote in elections. Similarly, Greek Cypriots and Maronites living in the north are barred by law from participating in Turkish Cypriot elections. They are eligible to vote in Greek Cypriot elections but must travel to the south to exercise that right. Officials in the north representing Greek Cypriots and Maronites are appointed by the Government of Cyprus and are not recognized by Turkish Cypriot authorities.

In both communities, women are underrepresented in government and politics, although they face no legal obstacles to participating in the political process. Women hold some cabinet-level, judicial, and other senior positions. In the House of Representatives, women hold 4 of 56 seats; in the "National Assembly" in the north, women hold 4 of 50 seats.

In addition to their normal voting rights, the small Maronite, Armenian, and Latin (Roman Catholic) communities also elect special nonvoting representatives from their respective communities who sit in the respective legislative bodies.

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

A number of organizations in both parts of the island consider themselves human rights groups; however, they generally are concerned with alleged violations of the rights of their community's members by the other community. Groups with a broad human rights mission include organizations promoting awareness of domestic violence and others concerned with alleged police brutality.

No restrictions prevent the formation of human rights groups. Representatives of international human rights organizations have access throughout the island. Government officials are generally cooperative and responsive to their views.

The United Nations, through the autonomous tripartite (United Nations, Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), is attempting to resolve the problem of missing persons who remain unaccounted for since the intercommunal violence beginning in 1963-64 and the events of July 1974 and afterwards. The CMP has made little progress. However, in November 1999 the CMP met formally for the first time since early 1996 and agreed in principle to resume investigations in 2000. However, no resumption of meetings occurred during the year. In July 1997, the leaders of the Greek Cypriot and Turkish Cypriot communities agreed to collect and share information on missing persons by the end of September 1997, outside of the CMP process. Information finally was exchanged in January 1998. Further progress has been delayed due to Turkish Cypriot reluctance to proceed without first fully accounting for those who may have been killed in internal Greek Cypriot fighting in July 1974 prior to the landing of Turkish forces on Cyprus.

Since June 1999 the Government of Cyprus has been conducting exhumations of gravesites in the south that may contain the remains of persons missing since 1974. So far 46 Greek Cypriots have been identified through DNA testing. Of those, 17 were listed among the missing since 1974; the remaining 29 were known to be dead, but the locations of their graves were unknown. In July 2000 the Government of Cyprus released a list of 1,493 Greek Cypriot missing persons whose cases have been submitted to the CMP for investigation.

A report by the former European Commission of Human Rights, released in September 1999, held Turkey responsible for violations of human rights in Cyprus stemming from the 1974 Turkish military intervention. The result of a complaint

by the Government of Cyprus, the report rejected the Turkish argument that the "TRNC" is an independent state and instead ruled that it is "a subordinate local administration of Turkey operating in northern Cyprus." Turkey was held responsible for continuing human rights violations against Greek Cypriots missing since 1974, and their surviving relatives, and for violations concerning the homes and properties of displaced Greek Cypriots from 1974, as well as violations of the rights of Greek Cypriots still living in north Cyprus. In a September 20 hearing before the European Court of Human Rights, the Court reserved judgement on the report until a future undetermined date.

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

Legislation in both communities provides for protection against discrimination based on sex, religion, or national, racial or ethnic origin. While each community generally respects such laws, significant problems remain with the treatment of the Greek Cypriots and Maronites living in the north and, to a lesser extent, with the treatment of Turkish Cypriots living in the government-controlled area.

Women.—Spousal abuse in the Greek Cypriot community is receiving increasing attention, and the problem is believed to be significant. An NGO formed to address the domestic abuse problem reported 591 cases during 2000, compared with 747 cases in 1999, with 83.2 percent of the reported victims women, 14.3 percent children, and 2.3 percent men. The NGO notes that the decrease in cases in 2000 should not be interpreted as an actual decrease in the incidence of domestic violence. A shortage in volunteer staff during the year decreased the number of the organization's domestic abuse hot line operating hours. A shelter for battered women opened in 1998.

A 1994 law aimed at making spousal abuse easier to report and prosecute initially had little effect because key provisions were unfunded and unimplemented. However, funding increased and progress was made in implementation during the year, with all cases reported to the police being referred to the courts and measures taken to ensure that such cases are treated as serious criminal charges, not simply as family disputes. Additionally amendments to the law during the year have facilitated the prosecution of suspected offenders. Many suspected cases of domestic violence still do not reach the courts, largely because of family pressure and the wife's economic dependence on her husband. Very few cases tried in the courts result in convictions. Little public discussion of domestic violence occurs in the Turkish Cypriot community, although a report issued by the NGO Women's Research Center described such violence as common. A women's shelter that opened in 1994 closed in 2000 due to lack of use. The shelter's location was well known in the community, and women seeking assistance feared being discovered by their spouses. Domestic violence cases are rare in the Turkish Cypriot legal system, since they often are considered a "family matter."

"Honor" crimes, in which women are victimized and even killed by relatives for alleged acts that dishonor the family, occur in the government-controlled area and in the north and are prosecuted in both areas. However, no such deaths have occurred in recent years on the island.

There is no law against sexual harassment law in the government-controlled area. Although prohibited by law in the north, sexual harassment is not widely discussed, and any such incidents are largely unreported. Republic of Cyprus law forbids forced (but not voluntary) prostitution. However, credible reports continue that women, generally East Asian or Eastern European night club performers, are trafficked and forced into prostitution in both communities (see Sections 6.c. and 6.f.).

The Greek Cypriot press frequently reported on the mistreatment of some maids and other foreign workers (see Sections 6.c. and 6.e.).

Throughout Cyprus, women generally have the same legal status as men. Greek Cypriot women married to foreign husbands were given the right to transmit citizenship to their children automatically in 1998 legislation. A 1998 Turkish Cypriot law on marriage and divorce provides for more equal treatment of husbands and wives. Under the law, the man no longer is considered legally the head of the family and does not have the exclusive right to decide the family's place of residence. The wife may retain her surname but must add the husband's surname. Turkish Cypriot women may now marry non-Muslim men. In cases of divorce, the court decides on a fair distribution of the family's assets, with each partner assured a minimum of 30 percent. In dividing assets, the judge must take into account which partner is receiving custody of the children and provide sufficient means to support them.

Legal provisions in both communities requiring equal pay for men and women performing the same job are enforced effectively at the white collar level, but Turk-

ish Cypriot women employed in the agricultural and textile sectors routinely are paid less than their male counterparts.

Children.—Both the Government and the Turkish Cypriot authorities demonstrate a strong commitment to children's welfare. There is no difference in the health care and educational opportunities available to boys and girls. Free education through age 15 is compulsory in both communities.

There is no societal pattern of abuse of children.

People with Disabilities.—In Cyprus generally, disabled persons do not appear to be discriminated against in education or the provision of state services. In the Greek Cypriot community, disabled persons who apply for a public sector position are entitled to preference if they are deemed able to perform the required duties and their qualifications equal those of other applicants. Legislation also mandates that new public building and tourist facilities provide access for the disabled, although little has been done to enforce this law. In the Turkish Cypriot community, regulations require businesses to employ 1 disabled person for every 25 positions they fill, although enforcement is inconsistent. While there is increasing awareness of the issue, the Turkish Cypriot community has not yet enacted legislation to mandate access for the disabled to public buildings and other facilities.

Religious Minorities.—Greek Cypriots living in the north report that unused Orthodox churches continue to be vandalized. An Orthodox Church in the north is located in the center of an as yet unopened resort hotel constructed during the year on the grounds surrounding the Church. Turkish Cypriots complain that unused mosques in the south have been treated similarly. A previously unknown Greek Cypriot nationalist organization claimed responsibility for an arson attack on a mosque in the south in August 1999. Damage was light. The authorities repaired and built a fence around the mosque and pledged to increase protection of Muslim sites. No one had been arrested for the attack by year's end.

National/Racial/Ethnic Minorities.—Both the Government of Cyprus and the Turkish Cypriot administration have constitutional or legal bars against discrimination. The basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south remains the 1975 Vienna III Agreement. This agreement provides for voluntary transfer of populations, free and unhindered access by the UNFICYP to Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south, and facilities for education, medical care, and religious worship. Turkish Cypriot noncompliance with some of the provisions of the Vienna III Agreement made daily life difficult for Greek Cypriots and Maronites living in the north. At year's end, there were 427 Greek Cypriots and 154 Maronites resident in the north.

Some of the approximately 300 Turkish Cypriots living in the government-controlled area face difficulties in obtaining identification cards and other government documents, especially if they were born after 1974. Turkish Cypriots also appear to be subjected to surveillance by the Greek Cypriot police. However, they make few formal complaints to the UNFICYP.

UNFICYP access to Greek Cypriots and Maronites living in the north remains limited. Despite recent improvements in living conditions for Greek Cypriots and Maronites, no Greek-language educational facilities for Greek Cypriot or Maronite children in the north exist beyond elementary level. Parents thus are forced in many instances to choose between keeping their children with them or sending them to the south for further education (in which case Turkish Cypriot authorities no longer allow them to return permanently to the north). Turkish Cypriot authorities screen all textbooks sent from the south to the Greek Cypriot schools, causing lengthy delays and shortages of up-to-date texts. Turkish Cypriot authorities did not approve about 20 percent of the books sent to the north in September, and the books were returned. A request by the Government of Cyprus to send a fourth teacher to the Greek Cypriot school in the north was rejected by Turkish Cypriot authorities. Both Greek Cypriots and Maronites living in the north are unable to change their place of residence at will. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care by a Turkish Cypriot doctor registered with Turkish Cypriot authorities is permitted. Additional telephones have been installed for Greek Cypriots living in the north, although they, like Turkish Cypriots, must pay higher, "international" fees to call the south.

In May 1999 a Maronite house in the village of Asomatos was demolished by the Turkish military. Military officials indicated that the action was an error and promised to rebuild the house. However, it had not yet been rebuilt by year's end. Maronites still lack some public services available in most other Turkish Cypriot areas.

In 1998 Turkish Cypriot authorities announced they were reviewing legislation that bans Greek Cypriots and Maronites in the north from bequeathing real prop-

erty to heirs residing in the south. Such property would no longer be seized by the Turkish Cypriot authorities but would be taken into temporary custody pending probate of the will. However, it is not clear whether Turkish Cypriot legal provisions exist to facilitate the transfer of Greek Cypriot- and Maronite-owned property in the north to heirs in the south. Therefore, the practical effect of the 1998 announcement remains unrealized.

Section 6. Worker Rights

a. The Right of Association.—All workers, except for members of the police and military forces, have the legal right to form and join trade unions of their own choosing without prior authorization. However, in the government-controlled area, police officers are permitted to join associations that have the right to bargain collectively, although not to strike. More than 70 percent of the Greek Cypriot work force belongs to independent trade unions. Approximately 50 to 60 percent of Turkish Cypriot private sector workers, and all public sector workers, belong to labor unions.

In the Turkish Cypriot community, union officials allege that various firms have been successful in establishing “company” organizations and then applying pressure on workers to join these unions. Officials of independent labor unions also have accused the Turkish Cypriot authorities of creating rival public sector unions to weaken the independent unions. The International Labor Organization (ILO) had not yet acted on these complaints by the end of September 2000.

In both communities, trade unions freely and regularly take stands on public policy issues affecting workers and maintain their independence from the authorities. Two of the major trade unions, one in each community, are affiliated closely with political parties. Both of the other major unions are independent.

All workers have the right to strike, and several strikes occurred. In the south, no major strikes occurred. In December in the north, discontent with a worsening economic situation precipitated a general strike that was supported by the major trade and teachers unions. In the northern part of the island, a 1978 court ruling gives employers an unrestricted right to hire replacement workers in the event of a strike, thereby limiting the effectiveness of the right to strike. Authorities of both the Greek Cypriot and Turkish Cypriot communities have the power to curtail strikes in what they deem to be “essential services,” although this power rarely is used.

Unions in both parts of Cyprus are able to affiliate with international trade union organizations, although Greek Cypriot unions sometimes object to recognition of Turkish Cypriot unions formed after 1963.

b. The Right to Organize and Bargain Collectively.—Trade unions and confederations by law are free to organize and bargain collectively throughout Cyprus. This right is observed in practice in the government-controlled areas, and most wages and benefits are set by freely negotiated collective agreements. However, Greek Cypriot collective bargaining agreements are not enforceable. In the rare instances when such agreements are believed to have been infringed, the Ministry of Labor is requested to investigate the claim. If the Ministry is unable to resolve the dispute, the union may call a strike to support its demands.

In the Turkish Cypriot community wage levels are reviewed several times a year for both private sector and public sector workers, and a corresponding cost-of-living raise is established. A special commission composed of five representatives each from organized labor, employers, and the authorities conduct the review. Union leaders contend that private sector employers are able to discourage union activity because the enforcement of labor and occupational safety regulations is sporadic, and penalties for antiunion practices are minimal. As in the Greek Cypriot community, parties to a dispute may request mediation by the authorities.

Small export processing zones exist in the port of Larnaca and in Famagusta, but the laws governing working conditions and actual practice are the same as those outside the zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited by law, and this prohibition is generally observed. However, there were credible reports that foreign women were forced into prostitution (see Sections 5 and 6.f.). Foreign maids and illegal foreign workers allegedly are subject to the nonpayment of wages and the threat of deportation (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—In both the Greek Cypriot and Turkish Cypriot communities, the minimum age for the employment of children in an “industrial undertaking” is 16 years of age. Turkish Cypriots may be employed in apprentice positions at the age of 15. There are labor inspectors in both communities. However, in family-run shops it is common to see

younger children working after school, and according to press reports, children as young as 11 or 12 years of age work in orchards during their school holidays in the Turkish Cypriot community. Laws prohibit forced and bonded child labor, and these laws are enforced effectively in both communities (see Section 6.c.).

e. Acceptable Conditions of Work.—The legislated minimum wage in the Greek Cypriot community, which is reviewed every year, is approximately \$426 (266 Cyprus pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants, rising to \$459 (287 Cyprus pounds) after 6 months' employment. This amount is insufficient to provide a decent standard of living for a worker and family. All other occupations are covered under collective bargaining agreements between trade unions and employers within the same economic sector, and the wages set in these agreements are significantly higher than the legislated minimum wage. The legislated minimum wage in the Turkish Cypriot area, while subject to frequent review because of high inflation, was approximately \$253 (158 Cyprus pounds) per month as of September. This amount is insufficient to provide a decent standard of living for a worker and family. Unskilled workers typically earn about \$416 (260 Cyprus pounds) per month, which is barely adequate to support a family.

In the Greek Cypriot community, the standard workweek in the private sector is an average of 39 hours for white-collar workers and 38 hours for blue-collar workers. In the public sector, it is 38 hours during the winter and 35 hours in the summer. In the Turkish Cypriot community, the standard workweek is 38 hours in the winter and 36 hours in the summer. Labor inspectors effectively enforce these laws.

Reports on the mistreatment of maids and other foreign workers are frequent in the Greek Cypriot press. These reports usually involve allegations that maids, often from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Many women do not complain to authorities, fearing retribution from their employers. Those who do file charges run the risk of being fired and then deported.

A significant percentage of the labor force in the north consists of illegal workers, mostly from Turkey. According to some estimates, illegal workers constitute as much as 25 percent of the total work force there. There are frequent allegations that such workers are subject to mistreatment, including nonpayment of wages and threats of deportation.

In recent years, steps were taken to improve health and safety standards in the workplace in the government-controlled area. A 1997 law harmonized health and safety standards with those in the European Union (EU). The law incorporates EU principles and standards for health and safety in the workplace and complies fully with the 1981 ILO convention on occupational health and safety. A second 1997 law requires employers to provide insurance liability coverage for work-related injuries. According to labor union officials, these laws are effectively enforced.

Occupational safety and health regulations are administered sporadically at best in the Turkish Cypriot area. In both areas, factory inspectors process complaints and inspect businesses in order to ensure that occupational safety laws are observed. Workers in the government-controlled area can remove themselves from dangerous work conditions without risking loss of employment. Turkish Cypriot workers who file complaints do not receive satisfactory legal protection and may face dismissal.

f. Trafficking in Persons.—In January the Cypriot legislature passed a law making it a felony to engage in the sexual exploitation and trafficking of adults (with or without their consent) and children. The law obligates the State to provide protection and support for victims and provides for punishment of up to 20 years' imprisonment. No cases were reported by year's end. In January the Turkish Cypriot "National Assembly" passed a law designed to regulate the hiring of women in nightclubs, including penalties for women and employers that engage in prostitution. The law does not prohibit trafficking. A holdover from British preindependence law currently makes it illegal in both communities to procure a woman for prostitution, although the crime is only a misdemeanor. Corruption among law enforcement and immigration personnel is an obstacle to the effective policing of trafficking in both communities. For example, the Chief of the Immigration Department in the government-controlled area was arrested in September 1999 for illegally issuing visas to female nightclub workers and pub owners and was on trial at year's end.

During the year credible reports continued that women were trafficked into both communities for the purpose of prostitution. Agents in Eastern Europe recruited young women for prostitution in the Greek Cypriot community. The women entered either illegally after authorities were bribed or on temporary 3-month work permits. They then sometimes were forced to surrender their passports or forced to stay beyond the period of their work permits and in some cases were not paid their full

salaries. The authorities arrested nightclub operators for profiting from prostitution, and the Government made some effort to protect women who bring complaints against employers by allowing them to remain to press charges or facilitate their return home. However, many of the women are reluctant to press charges, fearing retaliation by employers or deportation. A similar pattern exists of the recruitment and hiring of Eastern European women to work in the Turkish Cypriot community, and reports persist of restrictions on nightclub workers, such as confiscation of their passports by employers.

CZECH REPUBLIC

The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following elections in June 1998, Prime Minister Milos Zeman formed a minority government comprised almost exclusively of members of his left-of-center Social Democratic Party. The Parliament elects the President for a 5-year term. President Vaclav Havel was reelected in January 1998 by a narrow margin and remains an internationally recognized advocate of human rights and social justice. Although the country essentially has completed the reform of political structures initiated after the 1989 "Velvet Revolution," some institutions are still in a state of transformation. The judiciary is legally independent but is hampered by structural and procedural deficiencies and a lack of resources.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service (BIS), reports to the Parliament and the Prime Minister's office through the Foreign Minister, who is a Deputy Prime Minister. Police and BIS authorities generally observe constitutional and legal protection of individual rights in carrying out their responsibilities. However, some members of the police committed human rights abuses.

The economy is market-based, with over 80 percent of the gross domestic product (GDP) produced by the private sector. After 2 years of contraction, the economy grew by 2.8 percent during the first three quarters of the year. Inflation dropped to 3.9 percent, while unemployment leveled off at 8.8 percent. The work force is employed primarily in industry, retail trade, and construction. Leading exports are machinery and transport equipment, and intermediate manufactured products. The GDP per capita in 1999 stood at approximately \$5,400 (186,300 Czech crowns).

The Government generally respects the human rights of its citizens; however, problems remain in several areas. Occasional police violence remains a problem. Lengthy pretrial detention and long delays in trials are problems, due to a lack of resources for the judicial system. There is some violence and discrimination against women. Discrimination and sporadic skinhead violence against the Romani community remain problems. Trafficking in women and children is a problem. Since January 1999, the Human Rights Council, headed by the Commissioner for Human Rights, has advised the Government on human rights issues and prepared legislative proposals for improving human rights in the country. In December the Parliament named former Justice Minister Otakar Motejl as Ombudsman for Human Rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and there were no reports of such practices; however, police occasionally used excessive force and abused their authority.

In May police clashed with anarchists attempting to disrupt a skinhead rally; the anarchists complained of being singled out for arbitrary arrest and beatings. Similar allegations were made after police prevented anarchists from disrupting neofascist rallies in October and November.

During violent antiglobalization protests surrounding the September International Monetary Fund (IMF)/World Bank meetings in Prague, 123 police officers were injured, many by cobblestones thrown by rioters (see Section 2.b.). Police arrested 900 protesters for destruction of property, disturbing the peace, blocking roadways, and attempting to disrupt the meetings. Most were released within 1 or 2 days. Police brought charges against 20 persons; by December 6 all had been released on bail.

After their release, many of those detained complained of poor treatment and abuse before and during their detention. Most complaints were of illegal detention; overcrowded cells; lack of food and toilet facilities; no immediate access to lawyers or telephones; and rough treatment, strip searches, and intimidation by police and prison officials. Some protesters stated to NGO's monitoring police behavior that they had seen numerous people whom they believed had been beaten by the police and prison officials. One Spanish and two Danish protesters claimed police beat them while they were in custody. A Polish protester, who is suing the Czech police, stated that uniformed police had beaten him repeatedly over the course of his 24-hour detention, during which he had been chained in his cell, denied access to a lawyer, and not allowed to use toilet facilities. Numerous foreign demonstrators claimed that they were arrested despite behaving peacefully. Arrested protesters also reported that police and prison officials were wearing masks and were not wearing or were covering their identification numbers. A South Korean scientist and visiting professor at Charles University not participating in the protest was arrested and held for 24 hours. He complained of abuse while in detention.

Government officials expressed satisfaction with overall police conduct during the protests, although they did not reject the possibility of misconduct by individual officers. However, local and international human rights organizations expressed concern about police behavior during the protests; 15 members of the European Parliament sent an open letter to government leaders urging a thorough investigation. In October the Ministry of the Interior initiated an investigation into complaints of police misconduct. By year's end, the Ministry of the Interior had received 373 complaints, 60 of which led to investigations. Only two cases of possible police misconduct were found (one for illegal fingerprinting and one for a covered identification number). No misconduct was found in the case of the Danes, the Spaniard, or the South Korean; the case of the Polish protester was still ongoing. Several other cases were still under investigation at year's end, including that of a police officer photographed standing over a fallen protester wielding a club. Other cases were suspended for lack of evidence. An NGO monitoring the police gathered testimony of police misconduct from over 50 protesters and filed at least 2 lawsuits against the police. That organization has expressed dissatisfaction with the Ministry of the Interior's investigations.

According to press reports, an American/Austrian dual citizen detained during the riots jumped from a police station window, breaking her leg. She stated through her attorney that she had paid a fine for participating in the riots but had not been released at that time. In addition she complained of "aggressive and improper" police behavior toward her during detention. The Ministry of the Interior investigation into her complaint found no police misconduct.

The police force has been restructured significantly; the majority of officers have been recruited since the 1989 revolution. Public approval ratings for the police reached a 10-year high after their overall good performance during the IMF/World Bank meetings. Petty police corruption remains a problem, although enforcement against it has improved. During the year, 389 members of the police force were charged with criminal offenses, a 12 percent increase over 1999, which the authorities credit to better enforcement efforts. The most common offenses cited were police officers fining motorists for traffic offenses, then keeping the money, and auto accident insurance fraud. Punishments include suspension from duty, fines, and prison sentences. Police sometimes failed to take sufficient action in cases of threats or attacks against Roma.

In December police officer Marian Telega was sentenced to 18 months in prison and 2-and-a-half years' probation for his involvement in the 1998 death of Rom Milan Lacko. Telega drove the car that hit and killed Lacko after he was beaten by skinheads and left in the road (see Section 5). In September Rom Martin Tomko accused a Brno police officer of stopping him in the street and, after an argument, beating him and leaving him unconscious in a park. Three police officers have been charged with inflicting bodily harm.

In October a Prague court rejected a complaint against a special police unit alleged to have used excessive force to contain a group of anarchists and radical environmentalists rioting in downtown Prague in 1998.

The case of a Brno city police officer charged with using excessive force to break up a late night party outside a theater in 1995 still was awaiting a formal court decision at year's end. In the meantime, the officer continues to serve on the police force but faces suspension or other internal disciplinary action if convicted.

The trial of one of the three Communist-era investigators charged with torturing political prisoners in the 1950's ended in acquittal in January. The trial of the other two was postponed for health reasons (see Section 1.e.). The case of two former secret police officers accused of torturing dissident Vladimir Hucin was still being in-

vestigated at year's end. The Office for the Documentation and Investigation of the Crimes of Communism (UDV) continued to investigate cases of torture and misconduct from the Communist era (see Section 1.e.).

Skinhead violence against Roma and other minorities remained a problem (see Section 5).

Prison conditions meet minimum international standards. There is overcrowding in many prisons, but it declined during the course of the year. In March the general director of the prison service announced that the country's prisons would temporarily refuse entry to convicts who have been sentenced to 2 years in prison or less. In February and March, prisoners in several facilities rioted and staged hunger strikes to protest overcrowding, deteriorating facilities, and insufficient food and clothing. The protests ended after a week. In May the prison system was at 120 percent of capacity, in some areas as high as 180 percent; there were approximately 23,000 prisoners in the country. By year's end, the system was at 110 percent of capacity; some prisons were at 135 percent. There were 21,547 prisoners and 9,890 prison guards. Women and men are housed separately. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

The Government permits visits by human rights monitors. However, during the IMF/World Bank protests, observers were not allowed into two detention facilities in Branik and Ocelarska Street (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The law forbids arbitrary arrest and detention, and the Government observes this prohibition in practice. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The lack of experienced police investigators and qualified judges, combined with a still evolving legal environment, have contributed to a backlog of court cases. The Ministry of Justice estimates that 300 judges and 88 prosecutors are needed to fill vacant positions. Pretrial detention may last legally as long as 4 years for cases considered "exceptionally grave" under the Criminal Code. Pretrial detention for most crimes may last as long as 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court does not approve continued detention during a judicial review, the suspect must be released. In practice few pretrial detainees are held for longer than 2 years. The law does not allow bail for certain serious crimes. A suspect may petition the appropriate investigating authorities at any time for release from detention. The average length of pretrial detention is now 195 days. As of November, the number of pretrial detainees was 6,353, about one third of the prison population.

The law prohibits exile, and the Government observes this prohibition in practice.

Since 1993 local courts and foreign police have expelled to Slovakia "Slovaks" without proper citizenship or residency papers. Some of these expulsions involve "Slovak" Roma who have never been in Slovakia. By the first half of 1997 (latest available statistics), a total of 851 "Slovaks" had been expelled administratively or judicially by the authorities. A February 1998 presidential amnesty (that was expected to affect three-fourths of all expulsion sentences issued between January 1, 1993 and February 2, 1998) granted amnesty to those receiving expulsion sentences for crimes in which the punishment was less than 5 years' imprisonment. However, according to one NGO that follows this issue, some courts have not implemented this amnesty. Courts have not imposed expulsion sentences since the implementation of a new citizenship law in 1999, which allows "Slovaks" and others to legalize their status. There have, however, been complaints from Roma activists that local officials in some areas are refusing to process Czech citizenship applications for "Slovak" or stateless Roma families (see Section 5).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and it is impartial and independent in practice. Judges are not fired or transferred for political reasons. Structural and procedural deficiencies as well as a lack of training and resources hamper the effectiveness of the judiciary. Ministry of Justice proposals for judicial reform, including term limits for Constitutional Court judges, a mandatory retirement age for judges, and measures to streamline the legal process, failed in Parliament at several points throughout the year. In October Justice Minister Otakar Motejl resigned after Parliament repeatedly rejected his attempts at broad judicial reform.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. In addition the separate Constitutional Court has final authority for cases concerning the constitutionality of legislation.

The law stipulates that persons charged with criminal offenses are entitled to fair and open public trials. They have the right to be informed of their legal rights and of the charges against them, to consult with counsel, and to present a defense. The State provides lawyers for indigent defendants in criminal and some civil cases through the bar association. All defendants enjoy a presumption of innocence and

have the right to refuse to testify against themselves. They may appeal any judgments decided against them. The authorities observe these rights in practice.

The 1991 lustration (vetting) law, passed to prevent Communist-era collaborators from taking up senior government responsibilities, continues to bar many former Communist Party officials, members of the people's militia, and suspected secret police collaborators from holding a wide range of elective and appointive offices for 5 years, including appointive positions in state-owned companies, academia, and the media. In 1995 Parliament extended this legal constraint to December 31, 2000, overriding a veto of President Havel. In February the Chairman of the Government's privatization agency was dismissed after presenting a falsified lustration certificate clearing him of cooperation with Communist-era state security. In November the Chamber of Deputies again extended the validity of the law over the veto of President Havel until a new civil service law and security law are passed and implemented. The extended law exempts from the lustration process people born after December 1, 1971, an exemption not included in the earlier version. Some private employers also have required applicants to produce lustration certificates proving non-collaboration. By October the special section of the Interior Ministry handling lustration requests had processed 8,200 lustration certificates, bringing the total since 1991 to 395,500. During the year, 3 percent of the applications did not receive confirmation of a clear record, in line with the average of 3.2 percent since 1991. Those who did not receive confirmation of a clear record may file a civil suit against the Interior Ministry for a charge similar to slander. Twenty such suits were filed during the year; court decisions were still pending at year's end.

Defenders of the lustration law argue that individuals who systematically destroyed the lives of others in order to gain advantages for themselves within the Communist system should not be entrusted with high state responsibilities. However, the law has been criticized for violating human rights principles prohibiting discrimination in employment and assigning collective guilt. It also has been criticized because the screening process is based on the records of the Communist secret police, which many believe are incomplete or unreliable. Citizens unjustly accused of collaboration may suffer diminished career prospects and damaged personal reputations. In its November assessment report on the Czech Republic for European Union (EU) accession, the European Commission again noted the need to eliminate the law.

Some actions taken by state authorities and the Communist Party during the 1948 to 1989 Communist regime are being investigated as criminal acts under a 1993 law by a government office, UDV, established for this purpose. The UDV was established in 1995 and is an independent part of the Czech Police Office of Investigations. The UDV is empowered to launch and conduct prosecutions and propose filing suits to state attorney's offices. As of October, the UDV had investigated 2,756 cases under its jurisdiction, and recommended action against 152 individuals. Charges have been filed in court against 44 persons. Nine of those have been sentenced; five were placed on probation and four received unconditional sentences, the longest of which was 5 years' imprisonment. Nearly 2,000 cases have been dropped due to the death of suspects or witnesses, various presidential amnesties, or statutes of limitation. The trial in Uherske Hradiste of three Communist officials charged with torturing political prisoners in the 1950's ended in January. One of the three was acquitted; the case was postponed against the other two for health reasons (see Section 1.c.). The UDV is still working with Charles University to prepare "moral trials" to discuss crimes whose offenders cannot be punished due to their death or to the expired statute of limitations on the cases. It targets primarily cases of: Torture (see Section 1.c.); border shootings; treason connected with the 1968 Warsaw Pact invasion of Czechoslovakia; state persecution of opponents of the Communist regime; and investigation of Czech authorities who negligently allowed exposure of citizens to hazardous waste after the nuclear accident in Chernobyl. Although the statute of limitations for many of the Communist-era crimes under investigation by the UDV was set to expire this year, Parliament voted in December 1999 to suspend the statute of limitations for serious crimes committed during the Communist regime and enabled the UDV to continue investigating these cases. In September the Interior Ministry extended the UDV's mandate indefinitely and broadened the period of years it should investigate to include 1945 through 1948.

In July the case of Communist-era judge Pavel Vitek was submitted to a regional prosecutor. A district court ruled earlier that Pavel Vitek, who was one of the judges in a show trial against seven persons who were accused falsely of murdering Communist officials in 1951, could not be tried for his role in the case because the statute of limitations had expired. However, the Supreme Court ruled in December 1999 that he could be tried for aiding and abetting murder. The prosecutor had not yet returned the case to trial by year's end.

In February the Prosecutor General returned the case of former Communist officials Milos Jakes and Jozek Lenart to the UDV for further investigation. The two were to be charged with high treason for attending a meeting at the Soviet Embassy in Prague on the day after the Warsaw Pact invasion and for discussing the creation of a new "workers' and farmers" government; they were not indicted by year's end.

The UDV also opened three new high-profile cases: The unexplained death in August 1967 of American citizen Charles Jordan, in which involvement of the Czech state security service is suspected; Communist officials' responsibility for and attempts to cover up a 1981 mining accident in which 65 miners were killed; and the alleged attempts of two former Communist officials to conceal and protect Nazi war criminal Werner Tutter in the 1960's. Prosecution of former Czechoslovak Premier and Interior Minister Lubomir Strougal relating to the arming of the People's Militia, a paramilitary force of the former Communist Party, was halted; he still faced charges of abuse of public office at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Electronic surveillance, the tapping of telephones, and the interception of mail require a court order; government authorities generally respect these prohibitions in practice, and violations are subject to effective legal sanction.

Unlike in 1999, there were no reports of Roma filing complaints against the police for illegal searches during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government respects these rights in practice. Individuals can and do speak out on political issues and freely criticize the Government and public figures. A wide variety of newspapers, magazines, and journals owned by a variety of Czech and foreign investors are published without government interference. The press law was updated in February to conform to EU norms.

The electronic media are independent. There are 3 national television stations—1 public (with 2 separate channels) and 2 private—and more than 61 private radio stations in addition to Czech Public Radio. A third private television station, TV3, can be viewed only in certain regions or through cable and satellite. The leading television channel, Nova, is privately owned. International arbitration continues on a dispute over its ownership and alleged fraud and commercial misconduct by the station's license holder; several courts found in his favor during the course of the year. Citizens also have access to foreign broadcasts via satellite, cable, and the Internet.

On January 1, a new Freedom of Information Act took effect. The law provides for freedom of access to information under the control of state and local authorities as well as other institutions affecting the rights of citizens.

In November President Havel signed an amendment to the Penal Code that imposes prison terms of between 6 months and 3 years for denying the Nazi Holocaust and the Communist genocide. The amendment also outlawed the incitement of hatred based on race, religion, class, nationality, or other group.

In February the lower house of Parliament approved a press bill, minus its most controversial provision requiring that the press present responses from persons or parties who believed their reputations had been sullied by media reports, even if the information were correct. Opponents of the measure maintained that this provision would create an unfair burden on the press and represented an unwise regulation of free expression.

A 13-member Television and Radio Council has limited regulatory responsibility for policymaking and answers to the parliamentary media committee, which exercises broad oversight of the Council and must approve its members. The Council can issue and revoke radio and television licenses and monitors programming. The Council continued to be the target of criticism during the year for its lack of initiative and ineffective action in addressing a high profile ownership dispute at the country's largest private television channel. There is also a nine-member Czech Television (CTV) Council charged with oversight of the Public Czech Television. The Council became embroiled in a controversy over political influence on CTV in mid-December when it dismissed the CTV general manager. The council hired a new manager 8 days later who was alleged to be subject to political influence. In protest, news staff began producing their own version of the principal CTV and public affairs programs. The newly appointed management was prevented from entering CTV studios and began simultaneous broadcast of its own news and public affairs programs. By year's end, the situation had not been resolved.

In January a Prague court dropped charges of defaming a people and inciting racial hatred against far-right National Alliance leader Vladimir Skoupy, who had questioned whether the Nazi Holocaust had taken place (see Section 5).

Charges of slander, assault on a public office, and inciting racial discord filed against prominent national Romani leader Ondrej Gina in November 1999 were dropped in March. The mayor and city council of Rokycany formally had pressed charges against Gina for remarks that he had published about the mayor and the city on an Internet site about discrimination against Roma. Local police had concluded that these remarks constituted a criminal act and turned the case over to the state prosecutor for action. The mayor and city council had argued that Gina's remarks were malicious enough to constitute "defamation of the Czech nation" and "harm to the reputation of the city of Rokycany at home and abroad (see Sections 1.f. and 5.)."

In September police brought charges of abetting in the commission of a crime against two journalists who refused to reveal their source of information in a case involving an alleged slander campaign against a member of the Government. Such charges are usually brought only in cases in which police have no other means of solving a serious crime, such as murder. Journalists and journalists' professional organizations criticized the charges as an attempt to stifle freedom of the press. In October President Havel pardoned the two journalists, who then called for the case to continue in order to establish a legal precedent on the press' right to protect sources. A state attorney in November agreed to proceed with the prosecution; however, no trial had begun by year's end.

The closely watched false accusation and libel case of Zdenek Zukal continued. Zukal faces three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. Originally Zukal had been charged with slander for publishing documents he knew—or should have known—to be forgeries. Local authorities later changed the charge to false accusation 1 day before a planned presidential pardon. Zukal's trial has been delayed on numerous occasions and was ongoing at year's end.

At year's end, former television reporter Tomas Smrcek was awaiting trial on charges of deliberately endangering classified data. In a 1999 report on possible Czech intelligence service coverup of one of its official's drunk driving offense, Smrcek allegedly showed a classified document on the air. Smrcek faces up to 8 years in prison.

In October the far-right Republican Party (SPR-RSC) brought suit against the Human Rights Commissioner and the Ministry of the Interior for incitement to racial and ethnic hatred. The Ministry, at the proposal of the Human Rights Commission, has made a public tender for grant proposals for a study of the Republican Party (SPR-RSC) and its racist and anti-Semitic policies.

In September a member of the far-right Republican Party (SPRRSC) was sentenced to 10 months in prison and 2 years' probation for spreading racial and national hatred. The man had placed photos of current Czech leaders in a display case with anti-Semitic labels (see Section 5).

In December publisher Michal Zitko was fined approximately \$53,000 (2 million Czech crowns) and given a 3-year suspended sentence and 5 years' probation for supporting and disseminating hate speech. Zitko had translated and published Adolf Hitler's "Mein Kampf" with no editorial commentary. The police seized 300 copies of the book. Also in December, a state attorney brought similar charges against Vit Varak for selling "Mein Kampf" on the Internet.

In December 1999, President Havel pardoned a Romani woman accused of defaming the Czech nation for comments she allegedly made about the construction of a wall dividing Roma and Czech communities in Usti nad Labem (see Section 5).

The law provides for academic freedom but forbids activities by established political parties at universities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of persons to assemble peacefully, and the Government respects these rights in practice; however, it may restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of the participants. Permits are normally required for demonstrations, but police generally do not interfere with spontaneous, peaceful demonstrations. In October police detained around 900 antiglobalization protesters rioting outside the IMF/World Bank meetings (see Section 1.c.) and pressed charges against 20 of them.

The law forbids political party activity at universities (see Section 2.a.).

The Constitution provides for the right of persons to associate freely and to form political parties, and the Government respects this right in practice. Either the Government or the President may submit a proposal to the Supreme Court calling for

a political party to be disbanded. Organizations, associations, foundations, and political parties are required to register with local officials or at the Interior Ministry, but there is no evidence that this registration is either coercive or arbitrarily withheld. Prime Minister Zeman has called periodically for the Interior Ministry to reexamine or cancel the official registration of skinhead organizations and others propagating racial hatred or fascism. In March the Ministry of the Interior cancelled the registration of a neo-Nazi organization that had propagated anti-Semitic sentiment (see Section 5). In October the Ministry also refused to register the National Party, an extreme right-wing organization, as a civic association (see Section 3). It also started an investigation into the charter and program of the far-right Patriotic Republican Party.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The State subsidizes all religions that are registered officially with the Ministry of Culture. There are 21 state-recognized religions. To register a church must have at least 10,000 adult members permanently residing in the country. For any churches that the World Council of Churches already has recognized, only 500 adult members permanently residing in the country are necessary. Churches registered prior to 1991 are not required to meet these conditions. The Jewish community, which numbers only a few thousand, constitutes one such exception. One group, the Unification Church (UC), was denied registration in January 1999 when the Department of Churches determined that it had obtained the required proof of membership by fraud; the UC is contesting the decision in court. In July the Ministry of Culture requested a clarification from the Jehovah's Witnesses addressing their beliefs concerning blood transfusions. The Society for the Study of Sects and New Religious Trends, a religious observer NGO, accused the Jehovah's Witnesses of concealing the religion's restrictions on blood transfusions during its 1993 registration process. Unregistered religious groups, such as the small Muslim minority, may not own community property legally, although they are otherwise free to assemble and worship in the manner of their choice. Their members can and do issue publications without interference.

In March and May 1999, the Government established two commissions to improve church-state relations. One is a "political" commission with representation from the main parties currently in the lower chamber of Parliament, and the second is a "specialist" commission composed of experts including lawyers, economists, and church representatives. The commissions advise the Government on church-state relations, the status of churches and methods of their financing, as well as church-related property questions. Members of the commissions also have advised the Ministry of Culture on a proposed new Law on the Freedom of Religious Belief and on the Status of Churches and Religious Societies. The proposal being considered is modeled on the religious registration law in effect in Austria. It would impose a two-tiered registration system, lowering the membership requirement for the first tier (non-profit religious association with limited tax benefits) to 300, but raising the membership requirement for the second tier (full religious association with benefit of state funding and property rights) to approximately 20,000. The new law would also impose a 10-year observation period on all first-tier organizations wishing to obtain second-tier status. Currently registered churches would automatically receive second-tier status. The proposed changes have been criticized by some unregistered religious groups (including the Muslims and the Church of Scientology) and non-governmental observers as prejudicial against minority religions. Some argue that government agencies for the dissemination of information on "harmful sects" assume that the groups on which they maintain such information are automatically suspect, when in fact they are legitimate religious organizations.

Missionaries for various religious groups, including the Church of Jesus Christ of Latter-day Saints and Jehovah's Witnesses, are present in the country. Although they proselytize without hindrance within the country, a more restrictive law on visas for resident foreigners has complicated their efforts and drawn criticism. The new law went into effect January 1. It requires that aliens apply for work visas before entering the country and provide financial information when doing so. The law is aimed at stopping illegal workers and does not specifically prohibit religious workers.

In March the Government negotiated a framework agreement on the protection and preservation of the remnants of a medieval Jewish cemetery uncovered in 1997 at a commercial construction site in downtown Prague. More than 100 sets of remains removed by archaeologists in 1999 were to be reburied at the site. The remaining graves on the site were to be encased in cement. The Government agreed to pay \$1.2 million (45 million Czech crowns) in compensation to the Czech Insurance Company, owner of the site. Twenty-five adjacent parcels believed to contain intact graves from the same cemetery were designated a national cultural monu-

ment. Minister of Culture Pavel Dostal published an editorial piece in July concerning the negotiations over the cemetery that many observers considered anti-Semitic. Dostal denied any anti-Semitic intent. In September the remains were buried in the New Jewish Cemetery in Prague instead. Although the local Jewish community considers the matter settled, some international Jewish groups expressed dissatisfaction at the manner in which the Czech Insurance Company implemented the March agreement.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement to travel domestically and abroad, as well as for emigration and repatriation, and the Government respects these rights in practice. Czechs who emigrated during the period of Communist rule frequently return to visit or live. A law passed in September 1999 permits such persons to regain citizenship without having to relinquish a foreign citizenship that they acquired during that time. Citizenship is not revoked for political reasons.

The law includes provisions for granting refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A legal and institutional framework is in place for the processing of refugees and asylees. A new law on asylum that came into effect on January 1 improves refugee processing. It establishes a list of "safe countries of origin" from which applicants are unlikely to receive asylum, provides financial support for towns with refugee camps, and increases access to legal advice for asylum seekers. No independent body has been established to handle the appeals of those denied refugee status. The Government provides first asylum and cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Czech Republic is both a transit and destination country for migrants. The Government fully funds an integration program to assist those granted refugee status in locating housing and receiving other social assistance. Two reception centers, six camps, and six integration centers are provided for recognized refugees. As of the end of 1999, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries. The new citizenship law passed in September 1999 enabled thousands more "Slovaks" to become citizens (see Section 5).

From 1993 to 1999, 20,434 asylum applications were filed, of which 838 received formal refugee status for resettlement. During the year, 8,773 applications for asylum were filed. Through August, 100 applications were approved. In 1999, 79 persons received refugee status out of a total of 7,217 applications. Persons from Afghanistan, Russia, Slovakia, Ukraine, Sri Lanka, and India submitted the most asylum requests during the first half of the year. Of the 441 asylum applicants from the Russian Federation, 212 are Chechens. In addition migrants from economically disadvantaged countries in Central and Eastern Europe often enter the country to take up illegal residency or in transit to the West. In 1999 border police prevented 32,325 illegal entry attempts, down by 25 percent from 1998. Through the end of November, 30,651 illegal migrants were stopped at the borders. The camps set up in 1999 for Kosovar Albanian refugees are closed and there is not a significant number of Kosovar Albanian refugees who remain in the country.

A growing concern is the smuggling of large groups of refugees and economic migrants into and across the country, which lacks specific laws criminalizing alien smuggling. Organized rings promoting illegal employment abroad operate with impunity, freely advertising their services in dozens of local papers and on the Internet. In spite of existing legislative gaps, the police are taking action against large-scale trafficking rings under organized crime statutes and a law criminalizing the "illegal crossing of the state border." The authorities are working with neighboring countries to tighten border controls. In December 1999, Parliament passed new legislation on residence and visas. The new law considerably tightens previous rules for change of status and extension of stay and requires visas in advance for everyone but tourists. The number of illegal migrants detained by Czech authorities declined by 25 percent from 1998 to 1999, a result of stepped-up efforts and international cooperation. The number of illegal migrants detained by Czech authorities through September is roughly the same as over the same period in 1999. Illegal migrant groups were composed primarily of persons from Romania, Moldova, Ukraine, Afghanistan, India, Bulgaria, and Vietnam. 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 by democratic means, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens above the age of 18 are eligible to vote by secret ballot in national, regional, and local elections. Elec-

tions for 14 new regional governors and parliaments were held November 12. These were the first elections for the new regional-level administration, created to improve citizens' access to democratically elected institutions. The elections were free and fair but turnout was low. Opposition groups, including political parties, function openly and participate without hindrance in the political process. Citizens may join political organizations or vote for the political party of their choice without government interference. Political parties must register with the Ministry of the Interior. In October the Ministry denied registration to the far-right National Party because its constitution granted its leader a veto and prohibited its members from joining other associations. In December the Ministry publicly announced that it was conducting an investigation of the constitution of the far right Patriotic Republican Party to determine if the party should be deregistered. A new citizenship law passed in September 1999 remedied the situation for some persons, predominantly Roma, who were enfranchised under the former Czechoslovakia but who were unable to obtain Czech citizenship at the time of the split with Slovakia, despite birth or long residency in the Czech Republic. They lacked voting and other rights due to restrictions under the previous citizenship laws (see Section 5). Amendments to the election law passed in July make it possible for nonresident Czechs to vote in national elections for the first time.

The Government of Prime Minister Milos Zeman took office in July 1998. The Government consists almost exclusively of members of the Prime Minister's left-of-center Social Democratic party, the first nonrightist government since 1989. In addition to the largest opposition party, former Prime Minister Vaclav Klaus' Civil Democratic Party, which has formally agreed to support the minority Social Democratic Government under certain conditions, the opposition consists of the Communist Party and a coalition of four small centrist and center-right parties. The Constitution mandates elections to Parliament at least every 4 years, based on proportional representation. In July the Parliament approved a new system with 35 smaller electoral districts in place of the former 8 large electoral districts. The new law also lowers government subsidies to political parties and raises the percentage of votes needed for parties running in coalition to enter Parliament. To enter Parliament, a single party must obtain 5 percent of the votes cast in the election; however, coalitions must obtain 5 percent of the votes per party (i.e. a three-party coalition would have to receive 15 percent of the votes cast to enter Parliament). The President and a group of opposition senators have challenged the law's constitutionality, complaining that the new law discriminates against small parties and prevents free political competition. An amendment to the party financing law enacted in September over a presidential veto increases the government subsidy to Members of Parliament and Senators. The President is elected by Parliament and serves a 5-year term. The President has limited constitutional powers but may use a suspense veto to return legislation to Parliament, which then can override that veto by a simple majority of all members.

There are no restrictions, in law or practice, on women's participation in politics; however, they are underrepresented, and relatively few women hold high public office. None of the 16 cabinet ministers in the Government at year's end was a woman. A "shadow" cabinet comprised of prominent women politicians and activists was formed in March. The 200-member Chamber of Deputies has only 30 female deputies, including 1 deputy speaker. There are 10 female senators in the 81-member Senate.

No seats are reserved in either house for ethnic minorities. Slovaks, of whom there are an estimated 300,000, are almost all "Czechoslovaks" who elected to live in the Czech Republic after the split. For the most part, these Slovaks define their interests in the context of national politics, not along ethnic lines; there is no Slovak party in Parliament.

Most of the estimated 200,000 to 250,000 Roma have not been fully integrated into political life (see Section 5). Roma themselves have been unable to unite behind a program or set of goals to advance their interests within the democratic structures of the country. Few Roma serve in local government structures, although some have been appointed to advisory positions in government ministries. There is currently one representative of Romani background in the Parliament.

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

Human rights groups operate without government restriction, and government officials generally are cooperative and responsive to their views. The best-known human rights groups are the Czech Helsinki Committee and the Tolerance Foundation (an umbrella organization). There are also many single-issue groups.

During the IMF/World Bank protests in September, members of the nongovernmental legal observer teams (OPH) were not allowed into two facilities where arrestees were being held. Despite agreeing before the protests to an access procedure for OPH observers, police at stations in Branik and Ocelarska Street refused entry to observers. During the investigation of possible police misconduct that followed (see Section 1.c. and 2.b.), the police and Ministries of Justice and Interior were responsive to OPH's views.

In July 1999, Parliament passed legislation needed to create a \$14 million (500 million Czech crowns) endowment to be used by 39 NGO's that work on issues of social welfare, health, culture, education, human rights protection, and the environment. In June the Government's Council for Nongovernmental Organizations announced it would be dedicating an additional \$37.5 million (1.5 billion Czech crowns) for organizations focusing on human rights and the environment.

Former U.N. Human Rights Commission expert Petr Uhl has served as the Government's Commissioner for Human Rights since 1999. The Human Rights Commissioner serves as head of the government Committee for Nationalities and of the Interministerial Commission for Romani Community Affairs, established in 1997 (see Section 5). A Council for Human Rights with 10 representatives of government ministries and 10 human rights activists was established in January 1999. The Council for Human Rights advises the Government on human rights issues and proposes legislation to improve the observation of human rights in the country.

On December 12, pursuant to legislation passed a year earlier, the Chamber of Deputies elected former Justice Minister Otakar Motejl "Public Rights Protector" or Ombudsman. Motejl, a political independent, resigned from the justice post in October. No Deputy Ombudsman was selected. By year's end, Motejl was still hiring and training staff, opening his office, and beginning public outreach. The Ombudsman will address citizens' complaints of violations of civil and human rights and freedoms by government entities. However, he will have no legal power to sanction offending individuals or offices.

In each house of Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. A government-sponsored Council for Nationalities advises the Cabinet on minority affairs. In this body, Slovaks and Roma have three representatives each; Poles and Germans, two each; and Hungarians and Ukrainians, one each. In November the Government signed the European Charter on Minority and Regional Languages; the Chamber of Deputies continued debate on a law on ethnic minorities at year's end. There is also a government commission staffed by members of the NGO and journalist communities that monitors interethnic violence.

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

The Constitution provides for the equality of citizens and prohibits discrimination. Health care, education, retirement, and other social services generally are provided without regard to race, sex, religion, disability, or social status. In practice Roma face discrimination in such areas as education, employment, and housing, and women face discrimination in employment.

Women.—The actual extent of violence against women is unknown; however, some studies by experts indicate that it is more common than publicly acknowledged. Public debate about it is rare, despite the efforts of women's groups to focus public attention on the problem. The Government maintains a comprehensive awareness and prevention program designed to address issues of trafficking, abuse, and violence against women. ROSA, an NGO that helps women in trouble, estimates that 1 in 10 women in domestic situations suffer from emotional or physical abuse, and that 30 percent of the abusers are university educated. The press occasionally reported on the problem of violence against women and trafficking in prostitutes. A 1998 research study conducted by Prague's Sexological Institute indicated that 13 percent of women are forced into sexual intercourse under threat of violence. Spouses or partners are responsible for 51 percent of rapes, with an additional 37 percent of the attacks committed by men known to the victims. Only 12 percent of rape victims are attacked by strangers. According to police statistics, there were 500 rapes reported countrywide during the year, although researchers at the Institute estimate that only 3.3 percent of rape victims report the crime to the police. Approximately 80 percent of criminal rape cases are solved. Gender studies experts reported that women were ashamed to report rape or speak about it, and that the police were not equipped to help, either by attitude or training. However, to improve police responsiveness and prosecution efforts, the Ministry of the Interior runs a training program in protocols for investigating family violence and sexual crime cases.

According to Elektra, a help center for abused women, rape victims can seek psychological help through any help line or crisis center. Crisis centers that help rape victims include White Circle of Safety, an association for crime victims that provides free psychiatric and legal help, and Riaps, a help line that counsels persons who experience any kind of trauma. A total of 54 state-supported shelters with 771 beds are located in most major cities and towns and accept women who have been raped or abused; local NGO's provide medical and social assistance to women. According to NGO's, the situation has improved in recent years, but there are still not enough shelter spaces to meet the demand.

Legislation does not address spousal abuse specifically; however, the Criminal Code covers other forms of domestic violence. An attack is considered criminal if the victim's condition warrants medical treatment (incapacity to work) for 7 or more days. If medical treatment lasts less than 7 days, the attack is classified as a misdemeanor and punished by a fine not exceeding approximately \$100 (3,000 Czech crowns—approximately one fourth of the average monthly wage). Repeated misdemeanor attacks do not result in stricter sanctions on the abuser. The police are training specialized personnel to handle domestic violence; however, they do not yet engage in regular contact with welfare and medical services. However, in 1998 the Police Academy and secondary police schools introduced, into both the introductory and continuing education curriculums, instructional material to improve the identification and investigation of domestic violence and sexual abuse cases and to sensitize police to the treatment of victims.

Forced prostitution (pimping) is illegal; prostitution is not, although local communities have the right to regulate it and enforce restrictions. The Interior Ministry estimates that up to 25,000 persons currently earn a living from the sex industry. Prostitution and sex shops are particularly prevalent in the border regions with Germany and Austria, where international vehicular traffic is heaviest. Trafficking in prostitutes is forbidden by law, and trafficking in women is a problem (see Section 6.f.).

Sexual harassment, long ignored by the media and by society, was the focus of more attention during the year. A new labor law approved in May includes a definition of and prohibition against sexual harassment. The law defines sexual harassment as unwanted, inappropriate or offensive sexual behavior, acceptance or rejection of which could be interpreted by another employee as affecting her status in the workplace. A recent study commissioned by the newspaper Lidove Noviny noted that nearly half of the country's working women have been subjected to sexual harassment in the workplace. A study by the Defense Ministry in 1996 found that nearly half of female soldiers experienced harassment on duty. The concerns of women's groups over workplace sexual harassment have previously been ignored or dismissed. In 1999, however, a university student became the first woman to win a civil sexual harassment lawsuit.

Women are equal under the law and in principle receive the same pay for the same job. Women represent roughly half of the labor force, though they are employed disproportionately in professions where the median salary is relatively low. Women's median wages lag behind those of men by roughly 20 percent, although the gap is narrowing. In May Parliament approved legislation banning discrimination in hiring and employment based on sex. Women enjoy equal property, inheritance, and other rights with men. The unemployment rate for women exceeds that for men by about one-third (10 percent to 7.8 percent) and a disproportionately small number of women hold senior positions.

A 1991 employment law bans discrimination on the basis of sex; however, in practice employers remained free to consider sex, age, or even attractiveness when making hiring decisions, since this did not necessarily constitute "discrimination" under then current legal interpretation. Employers often openly used such factors as age, sex, and lifestyle in their employment solicitations. July 1999 and May 2000 amendments to the law explicitly prohibit employment discrimination based on a variety of factors, including sex, race, skin color, sexual orientation, language, faith, health and family status. Repeated offenses are punishable by fines of up to one million Czech crowns. By midyear, the employment office in Plzen had warned around three dozen companies of discriminatory language in their classified job listings. No fines were levied; the discriminatory passages were removed in each case.

Children.—The Government demonstrated its commitment to children's welfare through its programs for health care, compulsory education through age 15 (through age 14 in special schools), and basic nutrition. Girls and boys enjoy equal access to health care and education at all levels. Education is free and compulsory from age 6 to age 15.

Child abuse and trafficking in children (see Sections 6.c. and 6.f.) continued to receive press attention during the year. The conviction of a group of foreigners for

pedophilia was covered widely as were reports of pedophile activities in border areas with Germany. A British disc jockey and three other foreigners were convicted in May on charges of pedophilia and sentenced to 33 months in prison. Press and government reports throughout the year indicated that Central Europe is still a popular destination for pedophiles due to its convenient location and low risk of sexually transmitted disease. Some experts estimate that the number of visits to the country, primarily by West Europeans, for the purpose of abusing children has increased 20 percent since 1997. Dissemination of child pornography, whether by print, video, CD-ROM, or the Internet is a criminal act. In July the Government approved a National Plan Combating Commercial Sexual Abuse, giving the Ministry of the Interior coordinating responsibilities. Laws against child pornography are enforced; in January a Czech was sentenced to 1 year in prison for offering a child pornography CD-ROM on the Internet. Court convictions against persons guilty of child sex abuse are reported routinely in the media.

Since 1990 the number of reported cases of child abuse roughly doubled; this increase appears to be the result of increased awareness of the problem and more effective police training and action. Laws criminalize family violence, physical restraint, sexual activity, and other abuse of a minor. A Children's Crisis Center was established in 1995 and is 70 percent state supported. The Fund for Endangered Children estimates that the total number of children suffering from physical, psychological, and sexual abuse is 20,000 to 40,000, but only about one-tenth of such cases are registered by the police. Between 50 and 100 children die each year as a result of abuse and violence within the family. According to NGO's, there are approximately 10,000 children living in institutional settings and 4,000 foster families supported by the Government and various NGO's.

Romani children often are relegated to "special schools" for the mentally disabled and socially maladjusted. Both a government program and various private initiatives exist to prepare Romani children for mainstream schools. In June 1999, the European Roma Rights Center (ERRC) filed a lawsuit with the Constitutional Court on behalf of 12 Romani families in Ostrava, alleging that the disproportionate number of Romani children in special schools constitutes de facto segregation throughout the educational system. The Ostrava Court in October 1999 dismissed the case, stating that despite evidence of a pattern of discrimination, individual cases of discrimination had not been proved since due process with respect to psychological evaluation and testing with parental consent had been followed in each child's case. The Court also ruled that it was not competent to force the Ministry of Education to provide nondiscriminatory education. In April the ERRC took the case to the European Court of Human Rights in Strasbourg; a decision is pending. In February an amendment to the law governing schools eliminated the restriction on "special school" graduates from applying to regular secondary schools (see Section 5).

People with Disabilities.—The disabled suffer disproportionately from unemployment, and the physically disabled experience difficulty in obtaining access to buildings and public transport. Access to education can be a problem, due to the lack of barrier-free access to public schools, although there is at least one barrier-free school in each district. Many buildings and means of public transportation remain inaccessible to those in wheelchairs, although access is improving. In Prague 22 of 48 metro stations and 4 bus lines are accessible to the disabled. A 1994 Economic Ministry regulation and an update to the 1998 Construction Code require architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration. These regulations are applied in practice. In July the Government passed a law requiring access for the disabled to all museums. Also in July the Government required the State Fund for Transportation to provide transportation subsidies for the disabled. Businesses in which 60 percent or more of the employees are disabled qualify for special tax breaks. Numerous NGO's support social assistance programs to diminish the disadvantages faced by the disabled. These NGO's report that, although problems persist, the situation of the disabled is receiving more attention and is vastly improved from that of only a few years ago. The integration of the disabled into society has not been the subject of significant policy or public debate.

Religious Minorities.—In January a court in Jeseník sentenced Jiri Tuma to 10 months in prison for displaying racist and anti-Semitic symbols in public and propagating a movement that suppresses citizens' freedoms and rights. Also in January a court dropped charges of inciting racial hatred against Vladimír Skoupy, a leader of the National Alliance. At an October 1999 rally, Skoupy had questioned whether the Holocaust had ever occurred. A local prosecutor stated that because Holocaust denial was not illegal (a law passed in September criminalizes Holocaust denial) and because Skoupy's comments were not insulting or belittling, he could not be convicted (see Section 2.a.).

In March Minister of Interior Vaclav Grulich officially disbanded and canceled the registration of the National Alliance, an extreme right-wing, neo-Nazi organization whose leaders consistently have propagated anti-Semitic sentiment and publicly questioned the occurrence of the Holocaust (see Section 2.b.). The Patriotic Front, an extreme right-wing association accused of denying the Holocaust, was warned by the Interior Ministry in November 1999 that it was violating human rights and fundamental freedoms. A month later, the Association changed its charter to eliminate offending sections and has made no further public anti-Semitic statements.

At an April rally, members of the National Alliance and another extreme right-wing entity, the Patriotic Front, threatened to deface or remove explanatory plaques installed at the urging of the North American Boards of Rabbis in March on the historic Charles Bridge in Prague. The plaques, in Czech, English, and Hebrew, describe the origin of a medieval sculpture of Christ on the Cross—one of many sculptures on the bridge—that bears an offensive Hebrew inscription.

In December 1999, as part of a display on the struggles of the extremist right-wing Republican Party (SPR-RSC) that was hung in front of the local party headquarters in Decin, photographs of President Havel, Prime Minister Zeman, Civic Democratic Party Leader Klaus, and Freedom Union chairman Jan Ruml were labeled “Jewish Free Masons and Murderers of the Czech Nation.” The exhibit also included a list of “Jews and Jewish Half-Breeds” in politics that included the names of Havel, Zeman, and Klaus. The list was removed a few days later. A member of the Republican Party responsible for the display was arrested in January and in September sentenced to 10 months in prison and with 2 years’ probation for spreading hatred and racism (see Section 2.a.). In December a publisher, Michal Zitko, was fined \$53,000 (2 million Czech crowns) and given a 3-year suspended sentence and 5 years’ probation for supporting and disseminating hate speech. He had published without editorial comment or annotation a Czech-language version of Hitler’s “Mein Kampf.” (See Section 2.a.) In December a state attorney brought charges of disseminating hate speech and propagation of a movement aimed at suppressing rights and freedoms against Vit Varak for selling “Mein Kampf” on the Internet.

The case of a man charged with organizing a ring in Plzen that produced and distributed racist, fascist, and anti-Semitic materials was ongoing at year’s end. In February 1999, police arrested 12 members of the ring and confiscated numerous racist publications, along with membership lists, indicating that the group was part of a large, well-organized movement with ties to groups in several other European countries. Charges were dropped against all others involved, but the leader still faces up to 8 years in prison for supporting and propagating a movement aimed at suppressing rights and freedoms. In December police in Zlin uncovered another group distributing neo-Nazi recordings, publications, and badges. A 21-year-old woman was charged with suppressing rights and freedoms. Police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

In February 1999, police in Plzen arrested 12 leaders, producers, and distributors of racist, fascist, and anti-Semitic materials. The raid netted large amounts of fascist and racist materials, including membership lists, indicating that the group was part of a large, well-organized movement with ties to groups in several other European countries. Those arrested were charged with supporting and propagating a movement dedicated to the suppression of the rights and liberties of citizens, an offense punishable by up to 8 years in prison. The owners of the firms charged with having produced the fascist and anti-Semitic materials face the loss of their operating licenses. The case against those arrested is still pending. Police confirmed the existence of over 20 underground magazines with small circulations propagating fascism, racism, and anti-Semitism.

National/Racial/Ethnic Minorities.—After ethnic Slovaks, the largest minority is the Romani population, officially estimated to number between 200,000 and 250,000. Roma live throughout the country but are concentrated in the industrial towns along the northern border, where many eastern Slovak Roma were encouraged to settle in the homes of Sudeten Germans transferred to the West more than 40 years ago.

Roma suffer disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease. They are subject to popular prejudice, as is affirmed repeatedly by public opinion polls. Nearly 65 percent of the respondents in a September opinion poll admitted to an unfavorable opinion of Roma and to racial intolerance, with more than 50 percent saying that there were too many non-Czechs living in the country. A court case charging editors of a Republican Party (SPR-PSC) magazine (leaders of this extreme right-wing party espouse anti-German and anti-Romani policies) with publishing offensive statements against Roma was filed with a Prague district court in January 1998 and was still before the court at year’s end.

The State funds television and radio programs for Roma on public stations and also supports Romani press publications. Until July there was one full-time Romani anchorman on television. He was placed on administrative leave after being charged with tax and welfare fraud and after the resolution of his case did not return to the air. There is one full-time anchorman of Ghanaian background on TV Nova. During the year, more and better information on Romani issues became available in the mainstream press and other sources. A November poll showed that a majority of Czechs (53 percent) believe that the media cover Romani issues well. To improve media reporting on Romani issues, a Romani journalism course was established in the College of Publicity, and the first students graduated in February of 1999. There has been a Department of Romani Language Studies at Charles University in Prague since 1991, and additional university-level Romani language study programs exist in Usti nad Labem and Brno.

However, efforts by NGO's and individuals in the health and education fields to improve living conditions for the Roma have had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves have had limited success in organizing their local communities, which often are disunited and where many are reluctant to foster contacts with the majority.

Members of skinhead organizations and their sympathizers most often perpetrate interethnic violence. Roma are the most likely targets of such crimes, although other "dark-skinned" individuals come under the same attacks. An estimated 5,000 skinheads are active in the country. The Documentation Center for Human Rights recorded more than 1,800 racially motivated attacks over the past 8 years, in which nearly 32 persons died. Last year police recorded 364 "racially-motivated or extremist crimes," up from 316 in 1999. However, police and courts sometimes are reluctant to classify crimes against Roma as racially motivated, and the actual figures likely are higher.

In November 1999, some 30 skinheads attacked between 60 and 70 Roma in a restaurant in Ceske Budejovice; 6 persons were injured. Police subsequently charged 23 skinheads with racially motivated violence; they now face sentences of up to 3 years in prison. In July the trial of the 23 skinheads began; the process is currently ongoing.

In August 1999, some 30 skinheads attacked several Romani homes in a village near Jaromerice nad Rokytinou, which resulted in injuries to 2 Roma and damage to several cars and houses. The raid lasted approximately 1 hour. The skinheads threw bricks and stones at the Roma while yelling racist epithets. Police charged 12 persons with rioting, property damage, and violence, although they were not charged with racially motivated crimes. A decision in the case was still pending at year's end.

In July 1999, a group of skinheads attacked a 27-year-old Rom in a bar in Jesenik with pool cues, pool balls, and other objects, as they shouted racial epithets at him. Police charged six persons involved in the attack with defamation of race and disturbing the peace. In January a court ruled that the assault was not an organized attack and therefore the six could not be tried as a group. The court then found four of the attackers not guilty and placed two of them on probation. In July the Justice Ministry filed a complaint before the Supreme Court against the court's decision to try each defendant separately. In August the court overturned the previous verdict and criticized the lower court for its ruling that the attack was not an organized one. The case returned to the lower court for a new decision based on the Supreme Court's instructions.

In a November 1998 incident in the city of Hodonin, a group of skinheads attacked an elderly American citizen for apparently defending a young Rom whom the skinheads were harassing while dining in the same restaurant. After exchanging words with the man, the skinheads waited for him outside, and after a short chase, attacked him and left him seriously injured and unconscious on the ground. The incident was captured by the security cameras of a nearby gasoline station. Charges later were filed against the main attacker. During the trial, the prosecution presented evidence that the defendant had a previous conviction for shooting a pistol into a group of Romani youth in front of a nightclub (he was subsequently pardoned by President Havel). On July 19, a judge convicted him of attempted bodily harm and disturbing the peace, rejecting the more serious charge of assault with racial motivation. He was given a 2-year suspended sentence, the most lenient allowable. The judge also declined to impose any monetary sanction on the defendant. The judge ruled that as the victim had, according to testimony by an expert medical witness, suffered no permanent physical damage (a claim disputed by the victim), a stiffer sentence was unwarranted. In November an appeals court again rejected the prosecutor's contention that race had been a motive in the attack. The court lengthened the sentence by 6 months, still suspended, and 3 years' probation. The court

also imposed on the defendant a fine of \$3,000 (12,000 Czech crowns) to cover the victim's medical expenses.

The sentences of three skinheads found guilty of the 1995 murder of Rom Tibor Danihel were confirmed. The Justice Minister had filed a complaint in 1999 against the High Court for annulling the convictions on technical grounds.

Rom Milan Lacko died in 1998 after being beaten by a group of skinheads, then being hit and killed by a vehicle driven by police officer Marian Telega (see Section 1.c.). In 1998 the skinheads charged with beating Lacko then leaving him in the road were given suspended sentences. The court absolved the attackers of responsibility for Lacko's death, placing the blame on the truck that allegedly hit him. After that acquittal, five skinheads were fined and given prison terms of 12 to 14 months for appearing at the trial wearing swastikas and making racial jokes and insults to the media, the victim's family, and supporters in the courthouse. The case was re-opened in October when experts testified that Lacko had died as a result of being hit by a car driven by a police officer. In December the court sentenced four young men to sentences of 3 years in prison, 1 year in prison, 2 years of probation, and 1^o years of probation. All four were found to be indirectly responsible for Lacko's death; the one defendant who admitted to attacking the victim was convicted of attempting to cause bodily harm and given the longest sentence. Police officer Marian Telega was given an 18-month sentence and 2-and-a-half-years' probation.

Prime Minister Zeman consistently called for the cancellation of the official registration of groups sympathetic to the skinhead movement. In March the Minister of Interior officially disbanded and canceled the registration of the National Alliance, an extreme right-wing, neo-Nazi organization whose leaders consistently have propagated anti-Semitic and anti-Roma sentiment (see Section 2.b.). A 1999 police raid in Plzen led to the arrest of 12 skinhead leaders, distributors, and producers of Nazi materials. Another extreme right wing group, the Patriotic Front, changed its charter to eliminate offending sections after being warned in November 1999 by the Interior Ministry that it was violating human rights and fundamental freedoms. The raid also netted large amounts of fascist and racist materials, including membership lists, indicating that the group was part of a large, well-organized movement with ties to the United Kingdom, Sweden, Hungary, and Slovenia. Those arrested were charged with dissemination of fascist propaganda, an offense with a maximum penalty of 8 years in prison. The raid was executed prior to a planned skinhead rally in Line, near Plzen, and forced the cancellation of the event. Charges were dropped against all but the leader, who faces up to 8 years in prison for supporting and propagating a movement aimed at suppressing rights and freedoms.

In July a series of attacks against Roma and Romani homes and facilities took place in Rokycany. On July 5, three young men attacked a group of six Roma in Osek, near Rokycany. Two victims were slightly injured. The attackers were charged with race defamation and organized assault. On July 14, an unknown perpetrator broke a window at a Romani community center run by Romani activist Ondrej Gina and threw gasoline into the facility; no fire ignited. The same night, Gina received anonymous racist phone calls and a bomb threat at his home. Also that night, a group of young men on motorbikes threw Molotov cocktails at the house of another Rom, Jiri Gina (no relation to Ondrej Gina). Three 17-year-old members of a previously unknown group, Czech Lion (Cesky Lev), were arrested and charged with a racially motivated attack. At year's end, investigation of the case continued; the three accused were not in police custody.

In August a state prosecutor filed charges of tax evasion and welfare fraud against Ondrej Gina; his son, Ondrej Gina Jr.; and Gina Jr.'s wife. Gina Jr., the only Romani anchorman on Czech television, took administrative leave from his job. In October a court halted proceeding against Gina Jr. and his wife after they admitted to having presented false information on their tax return and fraudulently collecting social benefit payments. They agreed to pay back around \$650 (25,000 Czech crowns). Gina Jr. did not return to his previous anchorman position. In November additional charges of fraud relating to management of Romani Community funds were filed against the elder Gina. The investigation against him was ongoing at year's end. Several Romani organizations have accused Rokycany authorities of racism and selective prosecution.

In September three policemen in Brno allegedly stopped Rom Martin Tomko arbitrarily on the street, asked for his identity documents, then, after an argument, beat Tomko and left him unconscious in a park (see Section 1.c.). In December two of the policemen were charged with abuse of public office and inflicting bodily harm. The third, who was off duty at the time of the attack, was charged with disturbing the peace and inflicting bodily harm.

Other attacks were reported throughout the year. In January in Novy Jicin a man attacked two Roma men at a disco while shouting racial slurs. He was charged with

defamation of a nation or race and with rioting. The case was still pending at year's end. In February a group of approximately 15 skinheads, cheered on by bar patrons, attacked and beat five Roma in a bar in Nachod while shouting racial epithets. One attacker was charged with rioting, but no racial motive was ascribed to the attack by investigators. In July on a road near the village of Osek, three men followed, verbally harassed, and then attacked six Roma. Police charged the three with rioting and defamation of race. Both cases are still pending.

In November media reported on a Romani family in Ostrozska Nova Ves that received racist threats during the year. On one occasion an unknown person broke a window in their home, leaving a letter with a swastika threatening to kill them unless they moved out of town. Police were still investigating the case at year's end.

There were reports of racially motivated Roma-instigated attacks on others during the year. In October a Rom attacked townspeople with a hatchet while shouting racist insults. A July Ministry of Interior report indicated that Roma were the perpetrators in 12 percent of racially motivated attacks in 1999.

In August the founder of an NGO dedicated to improving Czech attitudes towards ethnic minorities received violent, racist threats via e-mail and telephone. In September thousands of Czech mobile phone users received electronic messages on their phones promising free phone time for every Roma they killed.

Racial and ethnic tensions and discrimination in society continued to be the object of much media attention during the year. Even when federal authorities have spoken out on these issues, local attitudes often have proven impervious to change. In October 1999, local authorities in Usti nad Labem built a wall dividing a Romani apartment complex from its non-Romani neighbors across the street. After a national and international outcry against the wall, the Government negotiated its removal in November 1999, agreeing to provide a grant of \$250,000 (10 million Czech crowns) to improve social conditions in the area. The houses of Czechs who refused to live near the Romani community were bought for \$79,000 (three million crowns); one of the houses was converted into a new police station; the others remain unoccupied. A playground was opened on the street in September and trash is now collected regularly there (neighbors' complaints of children playing in the street and uncollected trash littering the area had led to the proposal of the wall's construction). A portion of the dismantled wall now stands in the municipal zoo. In a February opinion poll, however, three-fourths of those surveyed blamed the wall controversy on the Roma's inability to adapt to rules of normal social behavior. Several NGO-supported projects aimed at improving Czech/Roma relations in the area were started during the year.

In October the Committee for the Compensation of Romani Holocaust Victims unveiled commemorative plaques at the site of a Romani concentration camp in Lety. In 1999 the Government provided \$12,500 (500,000 Czech crowns) for the project when a poll showed that only 11 percent of respondents were willing to assist in financing the Lety Project (and less than one-fourth were aware that Roma were persecuted under the Nazi regime). The Government completed the transfer of archives related to the site to the U.S. Holocaust Memorial Museum. In 1999 the Human Rights Commission recommended the removal of the pig farm built on the site in 1974, yet it remains.

Roma wishing to integrate face practical difficulties in the areas of employment and education. Estimated unemployment among Roma is 70 percent, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refuse to hire Roma and ask local labor offices not to send Romani applicants for advertised positions. An amendment to the Labor Code prohibits hiring and employment discrimination based on ethnic origin, but no enforcement statistics are yet available. Under the law, individual Roma do not have the right to file discrimination complaints; action must come from governmental authorities. Many Roma are qualified only for low-paying jobs as manual laborers, since very few complete secondary education. A higher-than-average share of the Romani population applies for partial or full disability pensions due to the occurrence of advanced-stage malignant diseases resulting from the neglect of preventive health practices or the lack of available medical care in areas with above-average Romani populations. In June the Government approved a Plan for Roma Integration aimed at combating discrimination against the Romani community. The plan tasked the Human Rights Commissioner with proposing legislation in 2001 designed to give advantage to Romani firms in placing public orders.

The integration of Romani children into mainstream schools frequently is impeded by language and cultural barriers. Official estimates indicate that less than 20 percent of the Romani population completed the ninth grade, and less than 5 percent completed high school. A significant number of Romani children are transferred at an early age, after a psychological exam, to "special schools" for the mentally dis-

abled and socially maladjusted. According to unofficial government estimates, Romani children make up 60 percent or more of pupils placed in these special schools, although Roma constitute less than 3 percent of the population. Some Romani parents do not send their children to school regularly due to a fear of violence, the expense of books and supplies, or the lack of a strong cultural emphasis on education among some Roma. In 1999 12 Romani families filed suit in the Constitutional Court to protest the "de facto segregation" of Romani children into special schools. The lawsuit requested the establishment of a compensatory educational fund, an end to racial segregation within 3 years, and the development of an educational reform plan. However, the Constitutional Court rejected the complaint in November 1999 and stated that it did not have the power to order the Ministry of Education to create programs to end racial discrimination. In April the families took the case to the European Court of Human Rights in Strasbourg; a decision is pending. The Ministry of Education later took steps independently to implement some of the recommended changes. In December 1999, the Parliament revoked the restriction on students in special schools from applying to attend mainstream secondary or upper-level public schools. The legislation was drafted by Parliament's sole Romani representative and constituted a significant step in opening access to higher education to the Romani minority. In addition the Ministry of Education is working on changes to the psychological exam given to Czech children that many claim is culturally biased against Romani children. Children are assigned to "special schools" based on poor results on the exam.

In 1993 the Government created the framework for a number of year-long programs (so-called zero grades) to prepare disadvantaged youths for their first year in school. Many districts with high concentrations of Roma participate in the program, which is funded solely by local authorities. More than 100 zero grades now operate throughout the country. Some districts tracking local Romani students report that up to 70 percent of the children who attend zero-grade training successfully enter and remain in mainstream schools. Another educational initiative continued placing Romani "assistant teachers" into the primary and special school system. Their function is to help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. According to the Ministry of Education, there are now 200 Romani assistant teachers in the school system, which is an increase from 144 last year. In 1999 the Education Ministry began using joint Romani-Czech language textbooks in 60 elementary schools to help overcome the barrier in the early school years between Romani children and non-Romani speaking teachers. The Ministry of Education ordered a textbook for use in schools on the cultural and historical roots of the Romani minority and on successful members of the Romani community. Local NGO's support additional studies and private initiatives to prepare Romani children for mainstream schools. Some Roma refuse to cooperate with compulsory vaccinations for children or are refused treatment by general practitioners who have full quotas of subsidized patients.

"Roma advisors" or "Roma assistants," created by the Interior Ministry to advise local authorities on Romani issues, now serve in all 73 of the country's district offices and at the Prague, Brno, Ostrava, and Plzen town halls. Over 60 percent of the advisors are Roma. The positions, originally slated for elimination at the time of a scheduled federal restructuring, will continue under the title of "regional advisors for ethnic minorities" beginning in 2003. Many advisors have made a significant contribution to their communities, but some Romani communities have complained of advisors' ineffectiveness and called for their removal. The advisors themselves have in some cases felt hindered by the lack of procedural instructions for carrying out their duties and a clear legal mandate.

Roma also face discrimination in housing and other areas of everyday life. Despite constitutional prohibitions on discrimination, a civil law framework to implement these provisions has not been incorporated into specific offenses under the Criminal Code. Some restaurants, pubs, and other venues refuse service to Roma and post signs prohibiting their entry. The only Romani Member of Parliament reported having been denied entry to restaurants and clubs on numerous occasions. A civil court awarded her damages this year from a club owner in Brno who had refused her entry. Rokycany pub owner, Ivo Blahout, who in 1995 refused to serve Romani patrons, was fined \$200 (8,000 Czech crowns) in May. He had been acquitted previously three times; he appealed the sentence but no decision had been made by year's end.

There were occasional reports of anti-Roma petitions, which complained that Roma are noisy on the street, listen to loud music, make messes, and spoil the neighborhood. In January 400 residents of Karlovy Vary signed a petition against a plan to open a Romani cultural center in the Doubi town district.

Beginning in 1997, when over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom, Romani families have continued to emigrate. The numbers applying to the United Kingdom have decreased; most requests for asylum there are denied. Roma began applying in greater numbers for asylum in other European countries such as Belgium, Finland, and the Netherlands, and in New Zealand. An estimated 10,000 Czech Roma have emigrated in the last 3 years. Roma activists state that the motive for the increased emigration is fear of racism, violence, and discrimination. A February poll indicated that 62 percent of Czechs believe the Roma are departing for economic reasons. In December the Government of New Zealand announced the imposition of a visa regime with the Czech Republic effective in 2001 in response to the growing number of Romani asylum applicants. The Honorary Czech Consul in New Zealand reacted by declaring that the Roma were not Czechs. The Ministry of Foreign Affairs strongly condemned his comment.

The Government and some local municipalities reported some success with programs designed to deal with drug addiction and crime prevention in the Romani community during 1999. In December 1998, the Interministerial Commission for Romani Community Affairs was expanded to include 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy. The revamped Commission has taken an increasingly active role in resolving disputes between Romani communities and their non-Romani neighbors in towns such as Usti nad Labem and Rokycany, as well as promoting positive initiatives in housing, education, and discrimination. The Commission was budgeted \$625,000 (25 million Czech crowns) for projects to assist in integration of Roma. There also was an active effort underway during the year to identify, train, and recruit qualified Roma to serve in law enforcement. The first group of police trainees completed the national police academy's course in Romani language and culture, designed to facilitate police officers' improved communication and response to the Romani communities in their precincts. One government initiative, the three "Romani-inspector" positions authorized to penalize shop and restaurant owners who refuse service to Roma, has been criticized for ineffectiveness and lack of resources.

In June the Human Rights Commission concluded its seven-month "Project Tolerance" campaign. The \$250,000 (10 million Czech crowns) project consisted of public opinion polls on Czech attitudes towards ethnic minorities and foreigners; "tolerance rides" (information campaigns in which Romani and non-Romani educators visited schools to talk about racism and the history of the different ethnic groups in the country); teacher training; funding for Romani cultural events; and a webpage. The campaign also included a series of billboards, radio, newspaper, and television advertisements designed to promote public discussion of racial tolerance and to improve public opinion toward Roma. In September the commission announced that the project would continue for another year.

In September 1999, Parliament passed a law to allow former Czechoslovak citizens who have lived in the country since 1993 to claim citizenship by simple declaration. This bill was created to remedy the de facto stateless situation of some Czech Roma, who were estimated to number between 10,000 and 20,000 persons. The law also regularizes the status of children in foster care who lacked citizenship or permanent residency status. However, the law only provides for citizenship for those who have resided continuously in the country since 1993. Certain persons who went abroad for extended periods, including some asylum seekers and those expelled from the country by authorities, may face added difficulty in filing for citizenship under the new law. Roma activists claimed that some local officials are refusing to process Czech citizenship applications for "Slovak" or stateless Roma families in violation of the law. In one case a "Slovak" applicant was denied Czech citizenship illegally then required to leave the Czech Republic, thus losing his continuous resident status and voiding his citizenship claim. The law does not provide benefits to those who were denied citizenship and benefits and expelled between 1993 and 1999. Many local authorities and Roma are also apparently unaware that any changes to the citizenship law have been made.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their own choice without prior authorization, and the Government respects this right in practice. Union membership continued to decline during the year.

Most workers are members of unions affiliated with the Czech/Moravian Chamber of Trade Unions (CMKOS). The CMKOS is a democratically oriented, republic-wide

umbrella organization for branch unions. It is not affiliated with any political party and carefully maintains its independence.

Workers have the right to strike, except for those whose role in public order or public safety is deemed crucial. The law requires that labor disputes be subject first to mediation and that strikes take place only after mediation efforts fail.

There were no major strikes during the year. The Association of Independent Trade Unions, comprised of seven unions, staged a token strike protesting unpaid wages, unemployment, and pension reform in March, blocking a Prague road and halting train service in some areas.

Unions are free to form or join federations and confederations and affiliate with and participate in international bodies. This freedom was exercised fully.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, which generally is carried out by unions and employers on a company basis. The scope for collective bargaining is more limited in the government sector, where wages are regulated by law.

The 2000 ICFU Annual Survey of Trade Union Rights alleges that some employers refused to bargain or used obstructive tactics to prevent collective agreements from being concluded.

There are 11 free trade zones. Their workers possess and practice the same right to organize and bargain collectively as other workers in the country.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including that performed by children, and it generally is not used; however, trafficking in women and children for the purpose of forced prostitution is a problem (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (schools for the mentally disabled and socially maladjusted) may work at the age of 14. These prohibitions are enforced in practice. The law prohibits forced or bonded labor by children, and the Government effectively enforces this prohibition (see Sections 6.c. and 6.f.). However, trafficking in children is a problem. Employment conditions for children aged 15 to 18 are subject to strict safety standards.

e. Acceptable Conditions of Work.—The Government sets minimum wage standards. In June the Government increased the minimum wage by 500 Czech crowns to 4,500 per month, about \$113. Due to currency exchange rate shifts, this represented no change in dollar terms from the minimum wage of a year ago (approximately \$115 or 3,600 Czech crowns). The monthly average is approximately \$337 (13,473 Czech crowns) per month. Average net wages are 2.8 times as high as official sustenance costs. The minimum wage provides a sparse standard of living for a worker and family, although allowances are available to families with children. Retraining efforts, carried out by district labor offices, seek to provide labor mobility for those at the lower end of the wage scale. The enforcement of minimum wage standards was not a problem during the year.

In May the standard workweek was reduced to 40 hours from 42^o, effective January 1, 2001. It also requires paid rest of at least 30 minutes during the standard 8-hour workday, as well as annual leave of 4 to 8 weeks, depending on the profession. Overtime ordered by the employer may not exceed 150 hours per year of 8 hours per week as a standard practice, although the local employment office may permit overtime above this limit. The Labor Ministry enforces standards for working hours, rest periods, and annual leave.

Government, unions, and employers promote worker safety and health, but conditions in some sectors of heavy industry are problematic, especially those awaiting privatization. Industrial accident rates are not unusually high. The Office of Labor Safety is responsible for enforcement of health and safety standards. Workers have the right to refuse work endangering their life or health without risk of loss of employment.

f. Trafficking in Persons.—Specific laws prohibit trafficking in women and children, and trafficking in women and girls for the purpose of forced prostitution is a problem. The Czech Republic is a source, transit, and destination country for trafficking in persons from the former Soviet Union, Africa, Asia, and the Middle East. Czech women and girls are trafficked to Western Europe, such as to Germany. Organizing prostitution or pimping also is illegal and punishable by a prison term of up to 8 years, with a term of up to 12 years if the victim is under the age of 15. (Adults can be prosecuted for engaging in sexual activity with a minor under the age of 15.) There have been numerous convictions of traffickers as a result of proactive investigative efforts on the part of law enforcement officers. The Czech Police Organized Crime Division includes a Unit on Trafficking in Persons, established in 1995, which cooperates with other nations to enforce these laws. In February the

Czech office of the International Organization on Migration (IOM) completed the first stage of an extensive information and media campaign aimed at educating women about avoiding entrapment in trafficking for prostitution schemes and providing information on organizations that assist victims of trafficking.

In March, 13 people were arrested in West Bohemia for luring women from Russia, Bulgaria, and Ukraine and forcing them into prostitution, among other charges. Also in March, a raid in Austria broke up an international ring that trafficked Czech and Hungarian women into prostitution. Police maintain close contact with the IOM and other NGO's in order to provide services to women left penniless and homeless after trafficking arrests.

The full extent of trafficking in children is unknown; however, convictions of child sex offenders are reported routinely in the media. For example, the May conviction of a group of foreigners for pedophilia was covered widely, as were the cases of several German citizens who were detained in cities near the Czech-German border and who reportedly had traveled regularly to the Czech Republic for the purpose of soliciting sexual activity from adolescents (particularly young Roma). Following these incidents, police personnel took measures to prevent this type of "sex tourism" more effectively. Police maintain patrols in high-risk areas, enforce curfew-type policies more actively, and work to raise public awareness of the issue through the media. In two separate cases in February, men in the Teplice region were arrested for providing Czech children to German pedophiles. Despite increased police efforts, press reports still indicate that in many border regions sexual tourism with adolescents continues. In November police conducted raids at 7 nightclubs in 4 districts of the country, arresting 10 persons.

DENMARK

Denmark is a constitutional monarchy with parliamentary democratic rule. Queen Margrethe II is Head of State. The Cabinet, accountable to the unicameral Parliament (Folketing), leads the Government. A Social Democrat-led minority coalition remained in power following a narrow election victory in 1998. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintain effective control of the security forces.

Denmark has an advanced, market-based industrial economy. One-half of the work force is employed in the public sector. The key industries are food processing and metalworking. A broad range of industrial goods is exported. The economy provides residents with a high standard of living.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. The Government is taking serious steps to deal with violence against women. Trafficking in women is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

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

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors. But in July the U.N. Committee Against Torture criticized the Government for the number of prisoners held in isolation and the length of time spent in isolation. In response the Government revised prison rules on the length of isolation permitted and the reasons for assigning isolation. Previously all prisoners who refused to participate in work programs were isolated. Under the new rules, the percentage of prisoners in isolation dropped from 9.8 percent in 1999 to 3.7 percent in 2000.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system consists of a series of local and regional courts, with the Supreme Court at the apex.

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

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government respects them in practice.

A permit is required for public demonstrations, but the Government uses objective criteria in evaluating requests and does not discriminate in issuing permits.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government respects this right in practice. It also provides for an official state religion, the Evangelical Lutheran Church, which is subsidized by the Government. The Evangelical Lutheran faith is taught in public schools, but students may withdraw from religious classes with parental consent.

The Government does not require that religious groups be licensed, but the State's permission is required for religious ceremonies, for example, weddings, if they are to have civil validity. And registered religions enjoy certain tax exemptions. In 1999 an independent, government-appointed Council published guidelines for future approval of religious organizations that are linked to the 1969 Marriage Act. The guidelines established clear requirements that religious organizations must fulfill, which include providing a written text of the religion's central traditions; descriptions of its most important rituals; an organizational structure accessible for public control and approval; and constitutionally elected representatives who can be held responsible by authorities. Additionally, the organization must "not teach or perform actions inconsistent with public morality or order."

Scientologists continued to seek official approval as a religious organization. Their first application for approval was made in the early 1980's and rejected; the second application was made in mid-1997 and withdrawn in early 1998. The second application was resubmitted in 1999 and withdrawn again in early 2000, shortly before a decision by the Government was expected. In withdrawing the application, the Church of Scientology asked the Ministry of Ecclesiastical Affairs for additional time to respond to reports about Scientology that had appeared in the media. By year's end the application had not been resubmitted.

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

The law provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to 2,099 persons in the first 6 months of 2000 and to 4,526 persons in 1999. A total of 9,627 asylum applications were filed during the year, compared with 6,950 in 1999. There were no reports of the forced expulsion of refugees to a country where they feared persecution or of those having a valid claim to refugee status.

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

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home rule governments whose powers encompass all matters except foreign affairs, monetary affairs, and national security. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Folketing.

Women are increasingly well represented at all levels of government. In the current government, 9 of 20 ministers are women, as are 67 of the parliament's 179

members. There are two parliamentarians of mixed ancestry from Greenland and an ethnic Turkish parliamentarian.

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

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

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

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. The law prohibits discrimination on the basis of sex, and the Government enforces it effectively. Discrimination on the basis of race is covered by two laws, which prohibit racial slander and denial of access to public places on the basis of race. The rights of indigenous people are protected carefully.

Women.—Violence against women is a problem, and the Government is taking steps to combat it. An umbrella nongovernmental organization reports that in 1998, women's crisis shelters were contacted approximately 9,000 times, compared with 9,961 times in 1997. A total of 2,054 women stayed at shelters during 1999, compared with 1,934 women in 1998. There were 355 reported rapes in the first 9 months of 1999, compared with 346 in all of 1998. Rape, spousal abuse, and spousal rape are all criminal offenses.

The law requires equal pay for equal work, but some wage inequality still exists. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those so affected. Women hold positions of authority throughout society, although they are underrepresented in senior business positions. Women's rights groups effectively lobby the Government in their areas of concern, such as wage disparities and parental leave.

Trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

Children.—The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical care. Education is compulsory through the age of 16 and is free through the university level. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children.

There is no societal pattern of abuse against children. In 1997 the Folketing passed legislation that banned the physical punishment of children by adults, including their parents.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Building regulations require special facilities for the disabled in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government enforces these provisions in practice.

Indigenous People.—The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs. Accordingly, it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they are encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

In 1999 a court ruled that the government unjustly resettled Greenland Inuits in 1953 in order to accommodate the expansion of a U.S. Air Force base in northwest Greenland. The court ordered the government to pay compensation to the displaced Greenlanders and their descendants. The compensation is substantially less than the defendants sued for, and the case was still under appeal in the Supreme Court at year's end. In 1999 the office of Prime Minister Poul Nyrup Rasmussen issued a joint declaration with the home rule chairman of Greenland apologizing for the way the decision on the resettlement was reached and the manner in which it was carried out.

National/Racial/Ethnic Minorities.—The inflow of ethnically and racially diverse refugees and immigrants has provoked a degree of tension between Danes and immigrants (mostly Iranians, Palestinians, Pakistanis, and Sri Lankans until 1992; more recently refugees are overwhelmingly from Somalia or the former Yugoslavia). In response to publicity concerning the involvement of foreigners in street crime and allegations of social welfare fraud committed by refugees, Parliament passed tighter immigration laws, which took effect in 1999. Family reunification is now more difficult, and immigrants and refugees can no longer acquire permanent residence by living in the country for 18 months; rather they must now reside for 3 years and

demonstrate that they have integrated into society. Additionally, they receive a special integration allowance that is 20 percent lower than the social benefits that citizens receive. Critics claim that this provision violates the 1951 U.N. Convention Relating to the Status of Refugees. In response to a perception of high criminality by asylum applicants, in September the Interior Minister suggested that convicted offenders (who did not receive jail time for their offenses) be isolated on one of the country's deserted islands. The proposal provoked a mixed response from parliamentarians but an overwhelmingly positive approval rating from average citizens. At year's end, the subject still was being debated, but the Government had taken no action.

Incidents of racial discrimination and racially motivated violence occur but are rare. The Government effectively investigates and deals with cases of racially motivated violence. On September 9, two persons threw firebombs at an asylum center in the town of Holeby. The fire was brought under control, and no one was injured, but the event nonetheless upset the asylum applicant community. No one was arrested or charged in the crime.

Section 6. Worker Rights

a. The Right of Association.—The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 80 percent of wage earners belong to unions that are independent of the Government and political parties. All unions except those representing civil servants or the military have the right to strike.

Unions may affiliate freely with international organizations, and they do so actively.

b. The Right to Organize and Bargain Collectively.—Workers and employers acknowledge each other's right to organize. Collective bargaining is protected by law and is widespread in practice. The law prohibits antiunion discrimination by employers against union members and organizers, and there are mechanisms to resolve disputes. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between the various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and its proposal is voted on by management and labor. If the proposal is rejected, the Government may force a legislated solution on the parties (usually based upon the mediators' proposal). The agreements, in turn, are used as guidelines throughout the public as well as the private sector. In the public sector, collective bargaining is conducted between the employees' unions and a government group led by the Finance Ministry.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenland's courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engage in periodic collective bargaining with employers. Disputes are settled by mediation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or bonded labor, by adults or children, is prohibited by law, and this prohibition is enforced effectively by the Government. However, women are trafficked for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries do not use child labor. Forced and bonded child labor is prohibited and does not occur (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in August.

e. Acceptable Conditions of Work.—No national minimum wage is mandated legally, but national labor agreements effectively set a wage floor. The lowest wage paid is currently about \$10 (82 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The law provides for 5 weeks of paid vacation per year. A 37-hour workweek is the norm, established by contract, not by law. However, the law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons pro-

duction without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar conditions of work are found in Greenland and the Faroes, except that the workweek is 40 hours. As in Denmark, the workweek is established by contract, not by law.

f. Trafficking in Persons.—The law prohibits trafficking in persons, but the penalties are not severe. Trafficking in women for the purpose of forced prostitution is a problem. In October the Government rejected a proposal to harmonize trafficking penalties in the European Union at 8 years' imprisonment because it believed Danish sentencing rules were sufficient. The authorities cooperate with international investigations.

Trafficking involved the importation of women mostly from Eastern Europe and Southeast Asia, some of whom were lured by the prospect of higher wages and a better life, but found themselves forced into prostitution. The perpetrators usually were suspected of being part of organized crime. No statistics were available on how many women are involved in prostitution.

In June a regional conference on trafficking generated considerable public debate that carried over into the Parliament. In December, the Government set up a working group in the Ministry of Gender and Equality to address trafficking; a report is expected in 2001. Several Parliamentarians proposed changing the law regarding trafficking to make the penalties much more severe. To illustrate the light sentences, in the spring, a trafficker who received his second conviction for trafficking several Colombian women into the country was sentenced to only 8 months in jail.

The Government does not provide medical or legal assistance directly to victims, and there is no governmental or nongovernmental entity specifically concerned with victims of trafficking. Several government-supported organizations provide these services on an ad hoc basis. In July one nongovernmental organization assisted a Colombian trafficking victim in a precedent-setting case in which the woman testified against her traffickers and subsequently received asylum in Denmark.

ESTONIA

Estonia is a parliamentary democracy. The Constitution established a 101-member unicameral legislature (State Assembly), a prime minister as Head of Government, and a president as Head of State. The judiciary is independent.

Efforts to develop and strengthen a Western-type police force committed to procedures and safeguards appropriate to a democratic society are proceeding, with police leadership actively working to professionalize the force. The police, who are ethnically mixed, are subordinate to the Ministry of Internal Affairs. Corrections personnel are subordinate to the Ministry of Justice. The security service, called Security Police, is subordinate to the Interior Ministry but also reports to the Prime Minister. Police and corrections personnel continued to commit human rights abuses.

Estonia has a market economy. Reflecting the extent of post-1992 reforms, the European Union in 1998 invited Estonia to begin accession negotiations. Services, especially financial and tourism, are growing in importance compared to historically more prominent light industry and food production. The privatization of firms, including small, medium, and large-scale enterprises, is virtually complete. The Government is working on privatizing the remaining state-owned infrastructure enterprises.

Economic growth increased after a slowdown due to the 1998 Russian financial collapse, with experts predicting gross domestic product (GDP) growth of between 3 and 5 percent in 2000. Per capita GDP is about \$3,536 per year. Some 90 percent of exports (textiles, food products, wood, and timber products) now are directed to western markets. Unemployment is about 14 percent but is significantly higher in rural areas and in the northeast.

The Government generally respected the human rights of its citizens and the large ethnic Russian noncitizen community; however, problems remained in some areas. The major human rights abuses continued to be mistreatment of prisoners and detainees and the use of excessive force by the police. Prison conditions are poor; however, the Government began a multiyear program to improve them. While some officials in the United Nations, the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship Law as discriminatory, notably for its Estonian language requirements, the OSCE as well as other international fact-finding organizations, including the Finnish Helsinki Committee, confirmed that the Citizenship Law conforms to international standards.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

In 1998 President Lennart Meri created an international commission for research into crimes against humanity perpetrated in the country from 1940–91. The Commission began work in 1999 and held three formal meetings during the year. In November 1999 the Commission authorized sending an investigator to study materials in the Russian and German archives on this subject; it met again in June and November 2000.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there continued to be credible reports that police used excessive force and verbal abuse during the arrest and questioning of suspects. Punishment cells (“kartsers”) continued to be used, in contravention of international standards.

Prison conditions remained poor, although there were some improvements. By mid-year the prison population was a record 4,800 inmates. A lack of funds and trained staff continued to be serious problems. Overcrowding was reported in every major prison except one. The percentage of prisoners suffering from tuberculosis was much higher than in the general population. The Government refurbished some prison buildings. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners increased slightly since the Government implemented new programs. As of August, 162 prisoners were released in the calendar year under the Government’s early release program for prisoners. One prisoner was killed by another during the year.

The Government began to implement a multiyear plan to refurbish and restructure all of the country’s prisons. The State Assembly, in addition, adopted a law authorizing the construction of a prison in Tartu that will be largely financed by the Nordic Investment Bank. However, a plan to close the overcrowded and antiquated Tallinn Central Prison was scrapped.

The Government permits human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and laws forbid arbitrary arrest and detention, and the Government generally observes these prohibitions. Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. If a person cannot afford counsel, the State will provide one. A person may be held for 48 hours without formally being charged; further detention requires a court order. A person may be held in pretrial detention for 2 months; this term may be extended for a total of 12 months by court order. Police rarely violate these limits. By late August, 1,382 of the 4,744 prisoners were awaiting trial.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution establishes an independent judicial branch, and the judiciary is independent in practice. The judiciary operates through a three-tier court system: Rural and city courts; district courts; and the State Court (which functions as a supreme court). The district and State Courts are also courts for “constitutional supervision.” At the rural and city levels, court decisions are made by a majority vote with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges who then are appointed by the President. Judges are appointed for life.

The role of the Chancellor of Justice and the ombudsman were combined under legislation passed by the State Assembly in 1999. The State Assembly rejected a proposal for an independent ombudsman. The chancellor-ombudsman is to handle complaints by private citizens against state institutions; however, the position of chancellor was vacant at mid-year.

The Constitution provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence.

The Government continued to overhaul the country’s criminal and civil procedural codes. An interim Criminal Code that went into effect in 1992 basically revised the

Soviet Criminal Code by eliminating, for example, political and economic crimes. This code has been amended several times, most recently in June. The Code of Criminal Procedure was adopted in 1994.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires a search warrant for the search and seizure of property. During the investigative stage, warrants are issued by the prosecutor upon a showing of probable cause. Once a case has gone to court, the court issues warrants. The Constitution provides for secrecy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept communications. Illegally obtained evidence is not admissible in court.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government respects constitutional provisions providing for freedom of speech and of the press. Four major national Estonian language and two Russian-language dailies are published, in addition to important weeklies. Foreign newspapers and magazines are available widely. All newsprint, printing, and distribution facilities are private companies.

In a well-reported 1997 case, a prominent journalist was tried and convicted for insulting the spouse of a prominent politician in a newspaper interview and was fined. All levels of the judiciary upheld the sentence. The European Court of Human Rights agreed in 1998 to hear the case, but it was still pending at mid-year.

The Law on Language prohibits the use of any foreign language on public signs, advertisements, and notices, including election posters. The prohibition on campaign posters written in a language other than Estonian resulted in protests by one political party.

State (public) broadcast media, including one nationwide television channel (Estonian Television/ETV), continue to receive large government subsidies. At the same time, ETV broadcasts commercials. Although a basic decision has been made to combine ETV and Estonian (state/public) Radio into one entity, no real movement toward that end has taken place. The Estonian Broadcasting Council fired the director of ETV in 1999 for management failures, because of ETV's financial difficulties, and for "undisciplined behavior." The courts said that he could not be fired, whereupon he returned to work but finally resigned during the year. A new general director, with a background in banking, was appointed in the summer.

There are several major independent television and radio stations. Several Russian-language programs, mostly produced in Estonia, are broadcast over state and private/commercial television channels. The Government has played a key role in encouraging Russian-language programs on state television. Over the past 3 budgetary years, the ability of ETV's Russian-language department to create self-produced, high-quality programs has been reduced greatly due to the Government's large cuts in the department's budget. Russian state television, Ostankino programs, and commercial channels in Russia are widely available by cable.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to assemble freely, but noncitizens are prohibited from joining political parties, although they may form social groups. Permits for all public gatherings must be obtained 3 weeks prior to the date of the gathering. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom do so. There were no reports of government interference in mass gatherings or political rallies.

The Constitution provides for the right of free association, and the Government respects this right in practice.

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

The 1993 Law on Churches and Religious Organizations requires all religious organizations to have at least 12 members and to be registered with the Interior Ministry and the Board of Religion. Leaders of religious organizations must be citizens with at least 5 years' residence in the country.

The majority of citizens are nominally Lutheran, but following deep-seated tradition, there is wide tolerance of other denominations and religions. Persons of varying ethnic backgrounds profess Orthodoxy, including communities of the descendants of Russian Old Believers who found refuge in Estonia in the 17th century. The Estonian Apostolic Orthodox Church (EAOC), independent since 1919, subordinate to Constantinople since 1923, and exiled under the Soviet occupation, reregistered under its 1935 statute in August 1993. Since then, a group of ethnic Estonian and Russian parishes preferring to remain under the authority of the Russian Orthodox Church structure imposed during the Soviet occupation has insisted that it should

have claim to the EAOC name. Representatives of the Moscow and Constantinople Patriarchates agreed in 1999 that the Moscow Patriarchate would register under a new name. In July the Moscow Patriarchate submitted a new name proposal, but the Interior Ministry rejected it on the grounds that a close reading of the registration papers revealed variations of the name. Throughout the dispute, worship has occurred freely in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law permits free movement within the country, and it is honored in practice. The law also provides for the right of foreign travel, emigration, and repatriation for citizens. Passports serve as identification but do not have to be carried at all times. There are no exit visas.

The Government does not restrict the right of noncitizen residents—persons who are citizens of another country or stateless persons—to foreign travel, emigration, or repatriation, although some noncitizens complain of delays in obtaining travel documents. The majority of noncitizens are ethnic Russians. In 1994 the Government began issuing alien passports, which are issued to resident aliens not in possession of any other valid travel document. Such aliens included: (1) Persons who are designated as stateless; (2) foreign citizens who lack the opportunity to obtain travel documents from their country of origin or from another state; (3) persons who file for Estonian citizenship and pass the language examination if required; and (4) aliens who are permanently departing Estonia. The Government already has approved the issuance of alien passports to noncitizens intending to study abroad and has agreed to issue them to former military personnel who cannot or do not want to take out Russian citizenship. By November 30, 108,982 persons had applied for alien passports, and 122,152 alien passports were issued, including prior years.

The Government deported a relatively small number of illegal aliens, usually those caught in criminal acts. A total of 10 illegal aliens were held as internees by September, pending deportation or a court order granting them residence. Internees are held in a wing of a regular prison. In 1999 Finland and Estonia entered into a cooperation agreement to construct a new facility for illegal aliens and asylum seekers in East Viru County.

Domestic law is in conformity with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1999 the State Assembly passed amendments to domestic refugee law that delegated authority from the Government to the Citizenship and Migration Board, clarified the refusal of refugee status, and established a state registry for asylum. Also, starting on October 1, 1999, temporary residence permits may be granted to persons whose applications for a residence permit are based on an international agreement. Asylum applicants come under the overall annual 0.1 percent quota for immigrants (not including Westerners, who are exempt from the quota). The program began as scheduled, and as of December 1, 2000, 47 persons had applied for asylum, of whom 10 were still waiting for a reply. Of the applicants processed, 4 were granted asylum, 15 left the country, and 1 died. The Citizenship and Migration Board turned down the remaining 18 applications on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention.

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

Citizens have the right to change their government. In March 1999, free and fair elections to the State Assembly were held. The new Government is a coalition of the Pro Patria, Moderate, and Reform Parties. Four ethnic Russians are Members of the State Assembly. Indirect presidential elections were held in 1996. When the State Assembly failed to muster the required two-thirds majority to elect the President, an Electoral Assembly consisting of Members of the State Assembly and representatives of local governments convened and reelected the incumbent, Lennart Meri.

Only citizens can vote in parliamentary elections and be members of political parties. However, according to law, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election can vote but not run for office in local elections.

Approximately 1.1 million of the total population of 1.43 million are citizens. Of those, approximately 113,000 received their citizenship through the naturalization process. Holders of permanent or temporary residence permits number approximately 300,000, 80 percent of whom are ethnic Russians. Illegal residents number 30,000 to 50,000 persons, mostly ethnic Russians; they are not included in the census figures.

In 1995 the State Assembly adopted a new Citizenship Law that extended the residency requirement for naturalization from 2 to 5 years and added a requirement

for knowledge of the Constitution and the Citizenship Law to the requirement for Estonian language capability. Persons who were legal residents in the country prior to July 1, 1990, are exempt from the 5-year legal residence and 1-year waiting period requirements. The law allows the Government to waive the language requirement but not the civic knowledge requirement for applicants who have Estonian-language elementary or higher education, or who have performed valuable service to Estonia. In 1998 the Citizenship Law was amended to grant citizenship to stateless children born after February 26, 1992, to legally resident stateless parents (upon the parents' or guardians' application). As of September 1, parents had applied for citizenship for 539 such children: 427 of the applications were approved.

On October 1, 1999, the Government dropped the immigration quota on the issuance of residence permits to those noncitizens who settled in the country prior to July 1, 1990, and who have not departed the country subsequently. In April the State Assembly approved an amendment to the law on aliens under which the annual immigration quota will not be applied to non-Estonian spouses of Estonian citizens if the spouses have a common child up to 15 years of age or if the female spouse is more than 12 weeks pregnant. In addition the amendment also states that the quota will not apply to children up to 15 years of age if the parents are applying for a residence permit.

By law the following classes of persons are ineligible for naturalization: Those filing on the basis of false data or documents; those not abiding by the constitutional system or not fulfilling the laws; those who have acted against the State and its security; those convicted of felonies; those who work or have worked in the intelligence or security services of a foreign state; or those who have served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. (The latter includes spouses who have come to Estonia in connection with the service member's assignment to a posting, the reserves, or retirement.) A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years.

Between 1992 and August 1, 112,822 persons received citizenship through naturalization. The vast majority of these persons, 87,712, were naturalized by the end of 1996. In 1997 the Russian embassy reported that some 120,000 persons had obtained Russian citizenship; however, the Embassy declined to supply the Government with a list. The number of Russian citizens may be lower since the Russian Embassy does not appear to keep records of those who die or leave the country. As of November 30, the Government had issued 116,289 permanent and 29,482 temporary residence permits. During the year a surge in noncitizens filing for or renewing residency permits resulted in long lines and delays at overtaxed registration offices. The problems precipitated the dismissal of the director of the Citizenship and Migration Board.

While some officials in the United Nations, the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship Law as discriminatory, notably for its Estonian language requirements, the OSCE as well as other international fact-finding organizations, including the Finnish Helsinki Committee, confirmed that the Citizenship Law conforms to international standards.

Bureaucratic delays and the Estonian language requirement are also cited as disincentives for securing citizenship. The Government has established language-training centers, but there is a lack of qualified teachers, financial resources, and training materials. Some allege that the examination process, which 75 to 90 percent of persons pass, is arbitrary.

There are no legal impediments to women's participation in government or politics. However, women are underrepresented in government and politics. Among the 101 Members of Parliament are 18 women. Two ministers are women. There are four ethnic Russian deputies in the State Assembly. The law was amended in 1999 to place language requirements on Members of Parliament; Russian speakers protested.

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

The Government does not restrict the formation or functioning of human rights organizations. In response to allegations of the poor treatment of ethnic minorities, the President established a Human Rights Institute, which first convened in 1992. The purpose of the Institute is to monitor human rights in the country and to provide information to the international community. It investigates reports of human rights violations, such as allegations of police abuse and the inhuman treatment of detainees. In 1997 the Institute established an information center in the heavily ethnic Russian town of Kohtla-Jarve. In addition, because of tensions surrounding

the adoption of the Elections Law and the Aliens Law in 1993, the President established a roundtable composed of representatives of the State Assembly, the Union of Estonian Nationalities, and the Russianspeaking population's Representative Assembly. An analogous but independent roundtable meets in the county of East Virumaa. Also, with initial funding from the Danish Government, a nongovernmental legal information center in Tallinn provides free legal assistance to individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

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

The Constitution prohibits discrimination for any reason; however, reports continued of discrimination against ethnic Russian residents. The Government reports that no court cases charging discrimination were filed during the year.

Women.—Violence against women, including spousal abuse, continued to be the subject of increasing discussion and media coverage and is reportedly common. Rape and attempted rape occur relatively infrequently. In the first 8 months of the year, there were reports of 29 rapes and 7 attempted rapes, compared with 50 rapes and 29 attempted rapes for all of 1999. However, studies show that 40 percent of crime in the country goes unreported, including domestic violence. Even when the police are called, the abused spouse often declines to press charges.

Both the Center of Women Citizens and a roundtable of women's organizations were established in 1998. Although women have the same legal rights as men and, in theory, are entitled to equal pay for equal work, this is not true in practice. While women's average educational level was higher than that of men, their average pay in general was lower, and the trend did not seem to be improving. There continue to be female- and male-dominated professions. Women constitute slightly more than half of the work force. They also carry major household responsibilities.

Children.—The Government's strong commitment to education is evidenced by the high priority that it gives to building and refurbishing schools. The Government provides free medical care for children and subsidizes school meals.

There is no societal pattern of child abuse, but studies, including one published by the local U.N. Development Program office during the year, found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. In the first 7 months of the year, police registered 22 cases of sexual abuse involving 13 female victims and 9 male victims, all below age 16. In the same period, there were 31 cases of procurement for prostitution of victims younger than 16. Also in the first 6 months of the year, there were 2 rape cases in which the victim was younger than 14.

People with Disabilities.—While the Constitution contains provisions to protect disabled persons against discrimination, and both the Government and some private organizations provide them with financial assistance, little has been done to enable the disabled to participate normally in public life. There is no public access law, but some effort to accommodate the disabled is evident in the inclusion of ramps at curbs on new urban sidewalk construction. Public transportation firms have acquired some vehicles that are accessible to the disabled, as have some taxi companies. In June the State Assembly adopted amendments to the Citizenship and Aliens Law that make it possible for persons with serious sight, hearing, or speech impediments to become naturalized citizens without having to pass an examination on the Estonian Constitution and language.

National/Racial/Ethnic Minorities.—The country's population is 1.43 million. Ethnic Russians total approximately 29 percent, and nonethnic Estonians total approximately 37 percent. During the years of the country's forced annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to Estonia to work as laborers and administrators. These immigrants and their descendants now compose approximately one-third of the total population; about 40 percent of them were born in Estonia. Approximately 8 percent of the population of the pre-1940 Republic was ethnic Russian.

The OSCE mission in Estonia, established in 1993, continued to promote stability, dialog, and understanding among communities. The President's Roundtable also continued to work toward finding practical solutions to the problems of noncitizens. The Government during the year instituted an integration program for the years 2000–07 aimed at fostering the integration the non-Estonian-speaking portion of the population into Estonian society.

The Law on Cultural Autonomy for citizens belonging to minority groups went into effect in 1993. The tradition of protection for cultural autonomy dates from a 1925 law. Some noncitizens termed the law discriminatory, since it restricts cultural autonomy only to citizens. The Government replied that noncitizens can participate

fully in ethnic organizations and that the law includes subsidies for cultural organizations.

Some noncitizens, especially Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. Despite repeated Russian allegations of human rights violations against the noncitizen population, both the OSCE mission in Estonia and the OSCE High Commissioner on National Minorities declared that they could not find a pattern of human rights violations or abuses in the country. The Government in 1998 addressed two outstanding recommendations of the OSCE High Commissioner on National Minorities, by simplifying the civic knowledge portion of the naturalization process and passing legislation to grant automatic citizenship to children born after February 26, 1992, to resident stateless persons upon parental application. Also, at least 10 nongovernmental organizations develop and implement local programs to assist the integration of non-Estonians into society.

Russian government officials and parliamentarians echoed these charges of discrimination in a variety of forums. In 1998 the Government accepted a Russian Government proposal to establish a high-level commission to examine all aspects of bilateral relations. One of the subgroups of the commission would examine the humanitarian aspects of the Russian minority in Estonia and possibly of the Estonian minority in Russia. Although there has yet to be a formal session of the commission, its cochairs met in St. Petersburg in July.

Other than for land ownership, the 1993 Property Ownership Law does not distinguish between citizens and noncitizens for purposes of business or property ownership. A 1996 law on land ownership further liberalized land ownership by foreigners; such ownership now is restricted only in certain strategic areas. All legal residents of Estonia may participate equally in the privatization of state-owned housing.

Estonian language requirements for those employed in the civil service went into effect in 1993. As originally passed, the Law on Public Service required state employees to be proficient in Estonian in 1995. In December 1995, the State Assembly amended the Law on Public Service to allow noncitizen local and national government employees without adequate Estonian to continue working until February 1, 1997. No noncitizens were to be hired after January 1, 1996. This amendment reflected the Government's awareness that in some sectors, the number of employees with inadequate Estonian remained high. On February 9, 1999, the State Assembly again amended the Law on Language, requiring that all public servants, service personnel, and sole proprietors be able to use the Estonian language. While the Government is to establish regulations pertaining to and describing the level of proficiency, the actual proficiency is to be determined through examination. Non-Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. On July 27, 1999, the Government issued the implementation decree for the amendments to the language law regarding public sector employees as well as those employed in the medical profession. Some 150 ethnic Russian prison officials are expected to be fired in January for noncompliance with the language requirement.

Following several rounds of consultations with European Commission experts, the Government presented, and the State Assembly approved on June 14, amendments to the Language Law that brought it into conformity with European Union (EU) recommendations regarding language requirements for persons working in the private sector. For employees of private enterprises, nonprofit organizations, and foundations, as well as sole proprietors, the amended law established a requirement of proficiency in the Estonian language if it was in the public interest. The OSCE Commissioner for National Minorities concluded that the amended law was largely in conformity with Estonia's international obligations and commitments.

The language office liberally grants extensions to persons who can explain their failure to meet the requisite competence level in 4 years. Estonian language training is available; however, some claim that it is too costly. Some Russian representatives have asked for free language training. They have charged also that the language requirement for citizenship is too difficult. There has been a proposal to make the language requirement less rigorous. The examination fee for either language test—for employment or citizenship—is 15 percent of the monthly minimum wage, although it is waived for the unemployed. The government office that conducts language examinations was forced to close for several months because of funding shortfalls. An EU program exists to reimburse language training costs for those who pass the examination.

In districts where more than one-half of the population speak a language other than Estonian, the inhabitants are entitled by law to receive official information in that language.

All residents, whether or not they are citizens, can complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case and have decided in favor of complainants. All decisions are in Estonian, but if a complaint is received in a language other than Estonian (usually Russian), the court provides a translation.

Two court cases begun in 1998 were resolved in May, when a court acquitted the leader of a Russian military pensioners' group in northeast Estonia and three other activists of charges that they fomented racial hatred by staging demonstrations. The pensioners' leader organized an unauthorized assembly in the city of Sillamae and claimed that the human rights of the Russian pensioners in the region were abused by the Government.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join a union or employee association. The Central Organization of Estonian Trade Unions (EAKL) came into being as a wholly voluntary and purely Estonian organization in 1990 to replace the Estonian branch of the official Soviet labor confederation, the All-Union Central Council of Trade Unions. The EAKL has 58,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL in 1993 and has 45,000 members. A central union of food processing and rural workers was established in 1997. About one-third of the country's labor force belongs to one of the three labor federations.

The right to strike is legal, and unions are independent of the Government and political parties. The Constitution and statutes prohibit retribution against strikers. In June 5,000 energy, metal, and mining union workers staged a protest action in Ida-Virumaa county.

Unions may join federations freely and affiliate internationally.

b. The Right to Organize and Bargain Collectively.—While workers have the legally acquired right to bargain collectively, collective bargaining is still in its infancy. According to EAKL leaders, few collective bargaining agreements have been concluded between the management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage. The EAKL also was involved with developing the country's post-Soviet era Labor Code covering employment contracts, vacation, and occupational safety. The Labor Code principles prohibit antiunion discrimination, and employees have the right to go to court to enforce their rights. In 1993 laws covering collective bargaining, collective dispute resolution, and shop stewards were enacted.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor although it does not specifically prohibit forced and bonded labor by children (see Section 6.d.). The Labor Inspections Office effectively enforces this prohibition.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution forbids forced or bonded labor. The statutory minimum age for employment is 16 years. Minors 13 to 15 years of age may work provided that they have the written permission of a parent or guardian and the local labor inspector. The work may not endanger the minor's health or be considered immoral, cannot interfere with studies, and must be included on a Government-prepared list. Government authorities effectively enforce minimum age laws through inspections. There were no reports of forced or bonded labor by children in enterprises (see Section 6.c.); however, there were instances of families forcing their children to engage in peddling or begging.

e. Acceptable Conditions of Work.—The Government, after consultations with the EAKL and the Central Producers Union, sets the minimum wage. The monthly minimum wage is \$82 (EEK 1,400). The minimum wage is not sufficient to provide a worker and family with a decent standard of living. About 5 to 6 percent of the work force receive the minimum wage. The average monthly wage in the second quarter was about \$296.

The standard workweek is 40 hours, and there is a mandatory 24hour rest period. According to EAKL sources, legal occupational health and safety standards are satisfactory, but they are extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective to date. The labor unions also have occupational health and safety experts who assist workers to bring employers in compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, the existing criminal codes regarding kidnaping, extortion, and involuntary prostitution are used to address this problem. There were no official reports during the year that persons were trafficked in, to, or from the country. However, it is generally understood that job advertisements placed from abroad that request females are in some cases associated with international prostitution rings.

The Government concluded several interstate cooperation agreements concerning fighting crime including human trafficking. It also concluded several bilateral agreements on the extradition of Estonian citizens accused of trafficking in other countries.

FINLAND

Finland is a constitutional republic with an elected head of state (President), a Parliament, a head of government (Prime Minister), and an independent judiciary. The security apparatus is controlled effectively by elected officials and supervised by the courts.

The economy is mixed but primarily market based. It provides citizens with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government is taking serious steps to address the problem of violence against women. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

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

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

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

The judiciary consists of the Supreme Court, the Supreme Administrative Court, and the lower courts. The President appoints Supreme Court justices, who in turn appoint the lower court judges.

The law provides for the right to fair public trial, and the judiciary vigorously enforces this right. Local courts may conduct a closed trial in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger the security of the state. In national security cases, the judge may withhold from the public any or all information pertaining to charges, verdicts, and sentences. The law provides for sanctions against violators of such restrictions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Nontraditional religious groups freely profess and propagate their beliefs. Such groups are eligible for some tax relief (e.g., they may receive tax-free donations), provided they are registered with the Government as religious communities. The Government's procedures for recognizing religious communities remained under review at year's end. About 87 percent of the population belongs to two state churches, the Lutheran and the Orthodox. All citi-

zens belonging to one of these state churches pay, as part of their income tax, a church tax. These church taxes are used to defray the costs of operating the state churches. Those who do not want to pay the tax must notify the tax office.

Such groups as Jehovah's Witnesses and the Church of Jesus Christ of Latter-Day Saints have been active in the country for decades. In 1998 the Ministry of Education turned down the application of the Finnish Association of Scientologists to be registered as a religious community. This was the first time that an applicant had been denied church status. The Scientologists' application was pending for nearly 3 years while the Government awaited additional information that it had requested from the association. The association acknowledged that it had not responded to the Government's request. The Education Ministry's decision can be appealed to the Supreme Administrative Court. The Scientologists have not yet done so, but they have indicated that they may begin the process anew and reapply for recognition as a church.

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

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Approved refugees and asylum seekers are processed directly for residence. The issue of the provision of first asylum has never arisen. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

A total of 3,106 persons applied for asylum in 1999, up from 1,272 in 1998. As many as 1,516 of them were Slovakian Roma. By August 20, 2000, 2,472 persons had already submitted their applications for asylum. Of these applications, 1,192 were submitted by Polish Roma. In 1999 the Directorate of Immigration processed 2,725 applications, awarding asylum to 29 persons and residence permits to 467. Government officials attribute the sharp increase in the number of asylum seekers from 1998 to the first half of 2000 to two factors: the 1999 fighting in Kosovo and the increase in 1999–2000 asylum applications from Slovakian and Polish Roma. The Government imposed a visa regime on Slovakian citizens in July 1999. Although the restriction was lifted in November of that year, it was reimposed in January 2000 for 6 additional months after a large number of Slovakian Roma again entered the country and requested asylum.

On July 10, a new asylum law took effect, under which immigration authorities must process an application within 7 days of the initial asylum examination. Asylum seekers who are rejected have 8 days in which to appeal the decision, after which time they are deported. This law is expected to decrease the number of asylum seekers substantially. Under the previous system, the processing of applications could take over a year. If the applicant received a negative decision, the processing of the appeal could take several years. Some members of the public and even politicians within the ruling coalition opposed the new law, citing the short period during which asylum seekers can appeal the rejection of their application. However, the Government defended the law by stating that it only can provide public resources and services to asylum seekers who have legitimate concerns about their safety and welfare in their home countries. Particularly in regard to Slovakian and Polish Roma, officials noted that the two source countries were aspirants for European Union (EU) membership and pointed out the contradiction of supporting Slovakia and Poland for EU membership while also offering asylum to their citizens.

In 1999 a law went into effect to promote the integration of immigrants into society. This law is unrelated to the new statute governing asylum procedures; it is aimed instead at assisting those who have been granted asylum.

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.

Women are increasingly well represented at all levels of government. There are 75 women in the 200-member Parliament, and 7 in the 18-member Cabinet. The President, who is elected directly, and the Speaker of Parliament are women. A 1995 law requires a minimum of 40 percent membership from each sex on all state committees, commissions, and appointed municipal bodies.

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

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

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

The Constitution prohibits discrimination based on sex, age, origin, language, religion, conviction, opinion, or disability, and the Government effectively enforces these provisions.

Women.—Violence against women is a problem, and the Government is taking steps to combat it. Police statistics for 1999 recorded 2,825 cases of domestic violence, 117 more than the previous year. Of the victims, 2,290 were women, and 535 were men. A total of 514 cases of rape were reported to the police in 1999, compared with 463 in 1998. Government experts say that as many as half, if not more, of all rape cases may go unreported. The law specifically criminalizes rape, spousal rape, and domestic abuse. The law provides for stringent penalties for violence against women; the police and the courts vigorously enforce this provision.

The number of calls to the police concerned with domestic violence is not compiled centrally but is estimated at 10,000 to 12,000 annually. Shelter officials state that the figure represents less than half of the number of actual incidents. Most of the persons seeking shelter are women between 25 and 35 years of age, either married or in a common-law relationship. Nearly one-third are immigrants.

The Union of Shelter Homes as well as the municipalities maintain homes all over the country for female, male, adult, and child victims of violence. The total number of shelters is around 20. The criteria for what counts as a shelter has changed. In the past battered persons in need of shelter could be given keys to apartments where they could spend the necessary length of time prior to returning home. These apartments were included in the 1999 statistics. Now, the minimum requirement for a shelter is 24-hour staff.

A study published in 1998 indicated that the typical victim of family violence is a young woman between 18 and 24 years of age who is married or is living in a common law relationship. The study concluded that every fifth married woman or woman involved in a common law relationship has suffered from violent behavior at the hands of her partner. The study also concludes that as many as 40 percent of all women over the age of 15 have experienced some form of family violence. (The study considers psychological and verbal abuse as “violence.”)

In 1997 the Government began a special program to promote women’s equality during the period from 1997 to 1999. This program consisted of 30 projects, 1 of which focused on violence against women and domestic violence. The project against violence offered nationwide support for women in need and for men to combat their own tendencies to resort to violence. This project has been regarded as the most significant component of the women’s equality program in that it has helped to break the taboo about the subject. The program may be renewed once the Government evaluates the results. The Government also promised to maintain a program against prostitution and violence until 2002.

The government-established Council for Equality coordinates and sponsors legislation to meet the needs of women as workers, mothers, widows, or retirees.

The Constitution calls for the promotion of equality of the sexes in social activities and working life, the latter particularly in the determination of remuneration. In 1985 the Parliament passed a more detailed comprehensive equal rights law that mandates equal treatment for women in the workplace, including equal pay for “comparable” jobs. In practice comparable worth has not been implemented because of the difficulty of establishing criteria, but the Government, employers, unions, and others continued to work on implementation plans. Women’s average earnings are 82 percent of those of men, and women still tend to be segregated in lower paying occupations. While women individually have attained leadership positions in the private and public sectors, there are disproportionately fewer women in top management jobs. Industry and finance, the labor movement, and some government ministries remain male dominated. Some 60 percent of physicians are women. Women serve in the armed forces. The Government’s equality ombudsman monitors compliance with regulations against sexual discrimination. Of the 63 complaints processed by the Ombudsman between January 1 and June 30, 10 cases were judged to be violations of the law. In such cases, the law provides for correction of the situation as well as compensation for the complainant.

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

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. There is no pattern of societal abuse of children, and the national consensus supporting children's rights is enshrined in law.

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

People with Disabilities.—Although since the 1970's the law has required that new public buildings be accessible to people with physical disabilities, many older buildings remain inaccessible. No such law applies to public transportation, but each municipality subsidizes measures to improve accessibility to vehicles. Local governments maintain a free transport service that provides a minimum of 18 free trips per month for a disabled person. The deaf and the mute are provided interpretation services ranging from 120 to 240 hours annually. The Government provides subsidized public housing to the severely disabled.

Indigenous People.—Sami (Lapps), who constitute less than 0.1 percent of the population, benefit from legal provisions that provide for the protection of minority rights and customs. Sami language and culture are supported in the Constitution and financially by the Government. Sami receive subsidies to enable them to continue their traditional lifestyle, which revolves around reindeer herding. Sami have political and civil rights and are able to participate in decisions affecting their economic and cultural interests.

In 1998 the President issued instructions on implementing an EU directive on the use of minority and regional languages. The directive's purpose is to ensure that the use of minority languages is permitted in school, the media, dealings with administrative and judicial authorities, economic and commercial life, and cultural activities. The Sami language belongs to the category of a minority language used regionally.

National/Racial/Ethnic Minorities.—The number of immigrants rose from 18,000 in 1987 to 90,000 in 2000. Concurrent with this increase, concern has arisen about increasing expressions of racist and xenophobic behavior. Antiforeigner or racist violence has been reported. Leading government figures, including the President, have condemned such violence. The Government is attempting to address this problem in part through an in-depth study of attitudes toward different ethnic groups. The government study examines discrimination in working life, looks into popular attitudes toward foreigners, and charts the attitudes of those authorities involved in immigration affairs—police, teachers, social workers, border guards, and employment office personnel. The popular attitudes survey found that half of those interviewed acknowledged some feelings of xenophobia or prejudice. The study continued at year's end.

While the Government implemented new legislation during the year making it somewhat more difficult to gain political asylum (see Section 2.d.), other government-sponsored initiatives were aimed at improving the situation of noncitizens. In 1999 a law promoting the enhanced integration of immigrants into society went into effect. In addition the Government in 1997 issued policy guidelines for promoting tolerance and combating racism.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the rights of trade unions to organize, to assemble peacefully, and to strike, and the Government respects these provisions. About 87 percent of the work force is organized. All unions are independent of the Government and political parties. The law grants public sector employees the right to strike, with some exceptions for the provision of essential services. In the first half of the year, there were 72 strikes (most of them minor and brief), of which 58 were wildcat strikes.

Trade unions freely affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. Collective bargaining agreements usually are based on income policy agreements between employee and employer central organizations and the Government. The law protects workers against antiunion discrimination. Complaint resolution is governed by collective bargaining agreements as well as labor law, both of which are enforced adequately.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and this prohibition generally is observed in practice; however, there were reports of trafficking in persons (see Section 6.f.). The law prohibits forced and bonded labor by children and adults, and such practices do not exist. The Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children (see Section 6.c.). Youths under 16

years of age cannot work more than 6 hours a day or at night, and education is compulsory for children from 7 to 16 years of age. The Labor Ministry enforces child labor regulations. There are virtually no complaints of the exploitation of children in the work force. The Government ratified ILO Convention 182 on the worst forms of child labor in January.

e. Acceptable Conditions of Work.—There is no legislated minimum wage, but the law requires all employers—including nonunionized ones—to meet the minimum wages agreed to in collective bargaining agreements in the respective industrial sector. These minimum wages generally afford a decent standard of living for workers and their families.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period during the week. The law is enforced effectively as a minimum, and many workers enjoy even stronger benefits through effectively enforced collective bargaining agreements.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforces them. Workers can refuse dangerous work situations without risk of penalty.

f. Trafficking in Persons.—The law does not explicitly prohibit trafficking in persons, although existing statutes address a range of trafficking-related crimes, and there were reports that trafficking occurred. Finland is a secondary destination-transit country for such trafficking. The Government believes that most such trafficking involves women and girls for prostitution. The Government and nongovernmental organizations are making a considerable effort to counter trafficking, e.g., through the Government's leading role in the EU's antitrafficking "STOP" project.

FRANCE

France is a constitutional democracy with a directly elected president and National Assembly and an independent judiciary.

The law enforcement and internal security apparatus consists of the Gendarmerie, the national police, and municipal police forces in major cities, all of which are under effective civilian control. Members of those police forces committed some human rights abuses.

The highly developed, diversified, and primarily market-based economy provides residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide a means of dealing with individual instances of abuse. The police committed one extrajudicial killing. There were instances of the abuse of detainees, particularly foreigners, by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention are problems. Violence and threats against ethnic and religious minorities continued to decline; however, in October there were over 100 anti-Semitic incidents, including firebombings. The Government has taken important steps to deal with violence against women and children. The Government took steps to combat trafficking in women.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated killings by government officials.

Law enforcement officers have used excessive force particularly directed against immigrants—resulting in deaths, although there is no evidence of a pattern of such abuses.

In April a police officer shot and killed 25-year-old Ryad Hamlaoui while he was attempting to steal a car in Lille-Sud. The police officer believed that Hamlaoui was armed and that he was firing in self-defense, but the authorities later determined that Hamlaoui was unarmed. The officer was suspended from duty, detained, and was charged with murder. The case was under investigation at year's end. The incident was followed by peaceful daytime demonstrations in Lille to protest the killing, and 3 nights of rioting.

There were no developments in the judicial investigation of a police officer who shot and killed 17-year-old Habib Mohamed in Toulouse in 1998. Mohamed allegedly staggered away injured after being shot. The police officers involved reportedly failed to follow him, and also failed to follow required procedures to report that their weapons were fired. The investigation continued at year's end.

A judicial investigation into the 1998 death of Mohammed Ali Saoud, who died following police intervention in a violent domestic disturbance, continued at year's end. The police had fired rubber bullets at Saoud and restrained him physically.

In February the public prosecutor recommended to the investigating judge that no charges be brought against two of the police officers involved in the 1997 fatal shooting of 16-year-old Abdel-Kader Bouziane. In March the investigating judge disagreed, and ruled that the police officers should be tried by the Court of Assizes. In October the chambre d'accusation (the prosecuting chamber of the criminal court) of the Paris Court of Appeals ruled that the charges against two of the officers should be dropped. The same court charged a third policeman in December; he is expected to be tried by the Court of Assizes. An appeal was pending at year's end.

In November 1997, the gendarme who shot and killed Franck Moret was released by the correctional court in Valence, prompting the family of the deceased to appeal the judgment. In July 1998, the appeals court overturned the decision of the correctional court and sentenced the officer to an 18-month suspended prison term. The officer appealed the court's decision, and on January 5, the Court of Cassation ruled in his favor and reversed the decision of the appeals court.

The trial of three police officers involved in the 1991 death of 18-year-old Aïssa Ihich, who allegedly was beaten by police officers and subsequently died of an asthmatic attack because he allegedly was refused medication, was scheduled to begin in January 2001. A case against a doctor still was pending at year's end.

On April 19, a bomb exploded at a restaurant near Dinan, and killed a female employee. The "Breton Resistance Army" claimed responsibility for an earlier bomb in Pornic, which damaged buildings but caused no injuries, but denied responsibility for the Dinan bombing; however, the police determined that similar explosives were used in both incidents. According to press reports, the investigation was at a standstill by year's end.

The investigation into the 1998 killing of Corsican Prefet Claude Erignac continued at year's end. According to press reports, a total of nine persons have been detained in connection with the killing. Yvan Colonna, who is presumed to have fired the shots that killed Erignac, was still at large and was believed to be hiding on the island at year's end.

In June 1999, SOS-Attentats organization (the nongovernmental organization (NGO) which represents the 170 persons who were killed in the 1989 bombing of UTA Flight 772) brought a civil case against Libyan leader Mu'ammār al-Qadhafi for "aiding and abetting voluntary homicide." In October 1999, the Paris prosecutor's office challenged the antiterrorism magistrate's decision to investigate the civil complaint, and the case reached the Court of Appeals on September 8. The Court ruled that Qadhafi had no sovereign immunity for terrorist acts. In October the Paris prosecutor's office appealed this decision to the Court of Cassation. A final decision is expected in May or June 2001.

In September 1999, an investigating judge decided that Nazi war criminal Alois Brunner should be tried in absentia on charges of crimes against humanity. Brunner previously was sentenced to death in absentia by a French military court in 1954, but vanished and was believed to have been living in Syria. According to press reports, in 1992 the Damascus publication *Lettre d'Orient* announced that Brunner had died, but Syrian authorities and Brunner's ex-wife and daughter refused to confirm or deny the report. The Chambre d'Accusation reviewed the investigating judge's decision in November 1999 and agreed in December 1999 that the case should be sent to the Court of Assizes for a trial. The deliberations of the Court of Assizes continued at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the authorities punish officials who employ them. There were reports that law enforcement officers used excessive force, particularly against immigrants; however, no complaints or criminal reports were filed. Isolated instances of police abuse occurred, but there is no evidence of a pattern of abuse.

In May the European Committee for the Prevention of Torture (CPT), an organ of the Council of Europe, visited the country as part of its regular program of periodic visits to member states. A report is expected in 2001.

The Government is in the process of instituting certain judicial and administrative reforms that address mistreatment of detainees by law enforcement officials. In June Parliament passed a law that created a national commission on security ethics to oversee the actions of law enforcement officials and to investigate complaints of police abuse from witnesses or victims; the commission subsequently was established.

An administrative investigation into a March 1997 incident in which riot police beat a few dozen persons demonstrating against the National Front (FN) in Marseille continued at year's end. According to eyewitnesses, the police allegedly used excessive force by beating demonstrators and using tear gas grenades to keep the anti-FN demonstrators away from their FN counterparts.

In July 1999, the authorities arrested Mauritanian army Captain Ely Ould Dah in Montpellier, in response to accusations by two Mauritanian refugees living in France. The refugees alleged that Dah was responsible for torture inflicted upon them when they were soldiers in Mauritania in 1990 and 1991 and were suspected of taking part in an attempted coup d'etat against Mauritanian President Maaouya Ould Taya. Dah was arrested pursuant to a complaint filed by the International Federation of Human Rights Leagues and the French League of Human Rights under the International Convention Against Torture. The authorities detained him for questioning; the Montpellier Court of Appeal released him in September 1999, but required that he remain in the country. In April Dah violated the terms of his release and returned to Mauritania. According to the International Federation of Human Rights Leagues, the Court of Appeals continued to investigate the allegations at year's end.

In December 1999 and January, the main Corsican separatist groups agreed to a "cease fire" in order to allow elected Corsican officials to engage in a dialog with the Government. In July the Government and Corsican officials agreed to a plan that would give more legislative authority to Corsica's elected officials. Although the cease fire is still in effect, after the July agreement there were several bombings in Corsica (with some minor injuries) and one shooting attack in which Jean-Michel Rossi, a writer and former Corsica nationalist militant, and his bodyguard, Jean-Claude Fratacci, were killed. In December a bomb exploded at the police barracks in Corsica; a policeman was injured.

Prison conditions generally exceed minimum international standards; however, public debate continued on the adequacy of prison conditions. According to the Ministry of Justice, there were 262 deaths of persons in custody in 1999, of which 125 were suicides. In May the NGO International Observer of Prisons (IOP) published a report that criticized prison conditions. The report concluded that prisons are overcrowded, have unacceptable hygienic conditions, and provide inadequate food to inmates. The report focused on the problems that result from overcrowded prison cells and stated that as of December 1, 1999, the average rate of occupation in prisons was 119 percent of intended capacity. There were no reports of incidents of alleged brutality by prison guards during the year; however, the IOP reported in May that two such incidents occurred in 1999.

On July 5, the National Assembly and Senate each released the conclusions of a special investigation that each body performed concerning prison conditions. The investigations were prompted by a book written by Veronique Vasseur, the head medical officer at La Sante prison in Paris, which was published in January. Vasseur's book criticized living conditions and the availability of health care in La Sante prison, and led to public debate over general prison conditions. After 5 months of investigations, the National Assembly and Senate each concluded that prison reforms were necessary; however, their reform proposals differed. The National Assembly noted a vast difference in prison conditions across the country and concluded that a prison reform law was needed to mandate universal standards for all prisons. The Senate, noting more specific problems such as overcrowded cells and inadequate numbers of guards, concluded that a universal law would not be effective and instead recommended that the Government focus on specific problems requiring more immediate attention.

Observers have criticized the current prison oversight mechanism as being ineffective because there is no external administrative oversight outside of the Ministry of Justice, which is responsible for both prison administration and the discipline of prison officials. In March the working group known as the Canivet Commission delivered its report on a draft code of ethics for prison guards to the Minister of Justice. Among other things, the commission recommended creating an office of prison inspectors, headed by a person named by the President, which would have the power to conduct investigations and to evaluate prison conditions and policies. The Government was considering this recommendation and the possibility of a code of ethics for prison guards at year's end.

The Government permits prison visits by human rights monitors.

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

The judicial system has been criticized by credible sources for its inability to process suspects quickly. Some suspects spend many years in prison before a trial even starts. According to the Prison Administration, as of January 1, approximately

18,100 of the 51,411 persons held in jails and prisons were awaiting trial. A system of bail exists.

In June Parliament passed the “presumption of innocence” bill, which includes provisions that address pretrial detention and which are designed to reduce the number of persons held in jails and prisons awaiting trial; however, none of the bill’s provisions were in effect at year’s end. The bill establishes a new system of “detention judges” (to be implemented in 2001), who are to decide if a suspect is to be kept in detention pending trial. Generally pretrial detention only is allowed if there is a possibility that the suspect may be sentenced (if convicted) to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. The bill also gives detainees the right to see their lawyer 1 hour after being detained by the police.

On October 31, the Paris correctional court released the last of the 53 suspects who had been arrested in May 1998 in a roundup of suspected Islamic terrorists. The court cited insufficient evidence.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. In January the Court of Cassation announced that defendants no longer would be required to present themselves to be taken into custody in order to pursue an appeal to the Court of Cassation. The “presumption of innocence” bill, passed by the Parliament in June (see Section 1.d.) contains a provision that allows defendants to seek “reexamination” of a court decision that has been found by the European Court of Human Rights (ECHR) to have violated the European Convention on Human Rights.

The judicial system has been criticized by credible sources for its inability to process suspects quickly (see Section 1.d.).

On May 23, the ECHR ruled that the Government violated Article 6 of the European Convention on Human Rights in the case of Leonardus Van Pelt. Van Pelt was arrested for drug trafficking in Spain in January 1987, extradited to France in November 1987, tried, and convicted in February 1990 by the Bobigny District Court. He challenged aspects of subsequent appeals proceedings, including the requirement that he present himself to be taken into custody by law enforcement officials in order to pursue an appeal before the Court of Cassation. The ECHR ruled that some of these proceedings violated Van Pelt’s right to a fair trial.

On July 20, the ECHR ruled that the Government violated Article 6 of the European Convention on Human Rights in the case of Adrian Caloc. The Court rejected Caloc’s argument that he had been “treated in an inhuman or degrading manner” by police authorities when he was arrested in 1998, but the Court ruled that Caloc’s complaint against the police was not heard and decided within a “reasonable amount of time.” Because of lengthy police investigations and numerous appeals, it took more than 7 years for Caloc to obtain a final decision on his complaint.

In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. In some cases this procedure has resulted in lengthy detentions of suspects before they are tried (see Section 1.d.). The chambre d’accusation reviews the investigating judge’s investigation to determine whether the charge established by the investigating judge is appropriate. The Court of Assizes investigates and decides cases involving the most serious offenses.

In March the Paris Court of Appeal reconsidered the convictions of 33 of the 138 persons tried in the October 1998 “Chalabi network” case. The court cleared four persons of all charges and released them; it upheld the convictions and sentences of the other persons.

As a result of the motion for retrial submitted in January 1999, new evidence was discovered in the case of Omar Raddad, who was convicted of killing his employer in 1994. The resulting reports are scheduled to be released in the spring of 2001, at which time the Court of Cassation may decide to revise the original verdict.

Raddad’s attorney had argued that a key defense witness in the original trial was expelled on a technicality.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

The judge investigating the wiretapping cases deemed inappropriate by the National Commission for the Regulation of Wiretapping (NCRWT) completed his inves-

tigation at the end of 1999 and presented his findings to the Paris public prosecutor's office in February; the office was considering the matter at year's end. According to the annual report of the NCRWT, the number of administrative wiretaps put in place in 1999 remained constant. The quota on the number of administrative wiretaps, which was set by the Prime Minister in 1997, did not change during 1999, and the number of administrative wiretaps put in place during 1999 was below the quota. Wiretapping is recognized legally as a right of the Government.

Debate continues over whether Muslim girls have the right to wear headscarves in public schools (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

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

On May 22, the Paris district court ruled that an Internet company violated the law by permitting the public display of Nazi artifacts for sale on the Internet (see Section 5).

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government respects them in practice. There are regular demonstrations on various issues, which occur generally without incident. In October the Paris prefecture denied a request by the Church of Scientology for a permit for a demonstration involving 10,000 participants. The Church alleged discrimination; however, the prefecture justified the denial based upon the proposed size and duration of the demonstration, which would make it difficult to maintain public order. The group rented a private park outside Paris in which to hold their gathering.

In December police clashed with demonstrators protesting the European Union summit held in Nice. The protesters used Molotov cocktail bombs, stones, and steel police barriers; police responded with tear gas, water cannons, and clubs. More than 20 persons were injured in clashes between police and protesters. On December 6, approximately 12 persons were injured when police officers used tear gas to prevent demonstrators in Ventimiglia from travelling to the summit.

c. Freedom of Religion.—The law provides for freedom of religion and the separation of church and state, and the Government generally respects this right in practice; however, the Government took some actions during the year that affected religious minorities that it describes as “sects.” The 1905 law on separation of church and state—the foundation of current legislation on religious freedom—makes it illegal to discriminate on the basis of faith.

Religious groups may register as “associations culturelles” (associations of worship) or as “associations culturelles” (cultural associations); religious groups normally register in both of these categories. Associations in these two categories are subject to certain management and financial disclosure requirements. An association of worship is exempt from taxes, but can organize only religious activities; it may not operate a school, print publications, or employ a board president. A cultural association is a type of for-profit association whose goal is to promote the culture of a certain group; although not exempt from taxes, it may receive government subsidies for its cultural and educational operations (such as schools). Religious groups must apply with the local prefecture to be recognized as an association of worship and therefore receive tax-exempt status under a 1905 statute. The prefecture, upon reviewing the documentation supplied regarding the association's purpose for existence, then can grant that status; however, the prefecture can decide to review a group's status if the association receives a large donation or legacy that comes to the attention of the tax authorities. If the prefecture determines that the association is not in fact in conformity with the 1905 law, its status can be changed, and it can be required to pay a 60 percent tax rate on present and past donations.

For historical reasons, contrary to practice in the rest of the country, the Jewish, Lutheran, Reformed (Protestant), and Roman Catholic religions in three departments of Alsace and Lorraine enjoy special legal status. Adherents of these four religions may choose to have a portion of their income tax allocated to their church in a system administered by the central Government.

The State subsidizes private schools, including those that are church affiliated. Central or local governments also own and provide upkeep for other religious buildings constructed before 1905, the date of the law separating church and state.

Some religious minorities have experienced problems with the wearing of special religious clothing. For example, debate continued over whether denying some Muslim girls the right to wear headscarves in public schools constituted a violation of the right to practice their religion. Various courts and government bodies have considered the question; however, there has been no definitive national decision on the

issue. In June 1999, the Government Commissioner recommended that the administrative court repeal its October 1998 to expel a girl who refused to remove her headscarf. The Government Commissioner stated that no threat to public order was posed and that the school administrator was incompetent to make the definitive decision. In October 1999, the Conseil d'Etat reaffirmed a ban on headscarves in public schools.

The Government's response to some minority groups that it views as "sects" or "cults" has been to continue to encourage public caution. In 1996 the National Assembly's parliamentary commission, also known as the Gest or the Guyard Commission, issued a report that defined sects as groups that place inordinate importance on finances; cause a rupture between adherents and their families; are responsible for physical as well as psychological attacks on members; recruit children; profess "antisocial" ideas; disturb public order; have "judiciary problems;" and/or attempt to infiltrate organs of the State. Government officials have stated that "sects" are "associations whose structure is ideological and totalitarian and whose behavior seriously oppresses fundamental liberties as well as social equilibrium." (These attributes are in addition to specific criminal behavior prohibited by law.) The Commission's report identified 173 groups as sects, including Jehovah's Witnesses and the Church of Scientology. The report was prepared without the benefit of full and complete hearings regarding the groups identified on the list. Groups were not told why they were placed on the list, and, because the document exists as a commission report to the National Assembly, there is no mechanism for changing or amending the list short of a new National Assembly commission inquiry and report.

The Government has not outlawed any of the groups on the list; however, the ensuing publicity contributed to an atmosphere of intolerance and bias against minority religions. Some religious groups reported that their members suffered increased intolerance after having been identified on the list. A number of individuals who belong to groups on the list continued to report discrimination during the year—for example, the loss of a job or the denial of a bank loan—which they believe occurred because of their affiliation with a "sect." In a November 1998 report, the International Helsinki Federation criticized the identification of the 173 groups, which it stated "resulted in media reports labeling minority religions, the circulation of rumors and false information, and incitement of religious intolerance." The Commission's findings also led to calls for legislative action to restrict the activities of sects, which the Government rejected on grounds of religious freedom. Instead, the Justice Ministry issued a directive to all government entities to be vigilant against possible abuses by sects, and all government offices were instructed to monitor potentially abusive sect activities.

In 1996 the Government created an interministerial working group on sects (known as the Observatory on Sects) to analyze the phenomenon of sects and to develop proposals for dealing with them. The working group's final report in 1996 made several proposals, including the granting of legal standing to organizations that oppose sects; a modification of the law requiring associations to divulge information regarding the sources and management of their finances related to their effort to obtain tax-exempt status; a limit on the allocation of public campaign funds in order to limit public financial support for small fringe groups; the creation of a representative in each prefecture to provide information on sects to local officials; the creation of a permanent commission at the European Union level to reinforce international cooperation in controlling sect activities; and measures to restrict group members' entry into professional training programs.

In March a Paris Correctional Court fined Jacques Guyard, the president of the parliamentary commission and a drafter of the 1996 National Assembly report on so-called sects, approximately \$2,850 (20,000 francs) in response to complaints by three groups that were named in a parliamentary commission's June 1999 report on the financing of religious groups named in the original report. The court also ordered Guyard to pay approximately \$12,850 (90,000 francs) in damages. The Federation of Steiner Schools, the New Brotherly Economy, and "le Mercure Federale" (an anthroposophical medical association) had filed a complaint against Guyard for slander for calling the groups "sects" in a June 1999 television interview. The court found that Guyard had made accusations against these groups when existing evidence did not warrant even a serious inquiry into their activities. The court noted that the parliamentary commission's report resulted from written declarations from persons claiming to be victims of anthroposophy, but that the parliamentary commission had not heard any of the claims in person, and that there was no supporting documentation for accusations that the groups had used mental manipulation, pressured persons to give them money, or used practical medicine that endangered lives. The court rejected Guyard's attempts to qualify his statements, and also rejected a request from Guyard's lawyer for parliamentary immunity. The 1999 re-

port in question focused on multinational groups, especially Jehovah's Witnesses and Scientologists. The stated basis of concern was that these groups may use excessive or dishonest means to obtain donations, which then are transferred out of the country and beyond the reach of French tax authorities.

In October 1998, the Government issued a new decree disbanding the Observatory on Sects and creating an "Interministerial Mission to Battle Against Sects" (mission interministerielle de lutte contre les sectes). Although the decree instructs the commission to "analyze the phenomenon of sects," it does not define what is meant by the term "sect," or how sects differ from religions. The Interministerial Mission also is charged with serving as a coordinator of periodic interministerial meetings, at which government officials are to exchange information and coordinate their actions against sects. In December 1998, the Ministry of Justice issued a circular urging state prosecutors to cooperate with the Interministerial Mission in bringing actions against sects.

On February 7, the Interministerial Mission submitted its 1999 annual report to the Prime Minister, which addressed the perceived problem of sects or cults. The report specifically raised the possibility of the dissolution of movements which, being "in essence and in action totalitarian" are dangerous to their members and to democracy in general. The report urges government action to deal with sects or cults according to their degrees of dangerousness, such as groups that limit personal freedoms of members, "new age" groups, and "absolutist" groups which are totalitarian in nature. However, the report does not advocate new legislation to abolish groups considered to be dangerous. The report presents two options: The use of criminal cases against individuals for violating existing laws, which rarely is done; and the use of existing administrative and political means—a 1936 decree against "factious leagues"—which would require action by the Council of Ministers and the assent of the President. The report specifically cites concerns regarding the Church of Scientology and the "Solar Temple" group.

On December 21, the Interministerial Mission against Sects submitted its 2000 annual report. The report highlighted the globalization of sect/cult influence, specifically in underdeveloped countries and focused on the "infiltration" of NGO's by sects/cults. Within the context of developments within the country, the report evaluated the influence of sect/cult movements in the three overseas departments (Guyana, Guadeloupe, and Martinique). A case study examined the anthroposophical movement, founded by Austrian Rudolf Steiner, and recommended sustained vigilance over the Steiner schools.

On June 22, the National Assembly passed on its first reading a private bill that would tighten restrictions on religious and other organizations. This bill—which amended an earlier version that had originated in and had been passed by the Senate in December 1999—included the following clauses: (1) criteria for the dissolution of so-called "sects," (2) the prohibition of sect publicity in "vulnerable" areas (i.e., near schools and hospitals), (3) prohibition of the reconstitution of dissolved "sects" under a different name, and (4) establishment of the new crime of "mental manipulation." The Justice Minister at the time, who attended the National Assembly vote, noted that certain provisions of the bill would help "victims" of "sects," but warned that other provisions might threaten fundamental liberties, such as freedom of association and belief. She questioned whether certain clauses were in conformity with the European Convention on Human Rights and called for a "parallel reflection" on these points to be organized by human rights groups when the Senate reconsidered the bill. On November 8, the Senate held hearings on the bill. Representatives from the Catholic, Protestant, Jewish, and Muslim faiths, who had not been consulted previously, expressed their concerns that the provisions of the bill could be abused. The Senate was not expected to schedule the next reading of the bill until April 2001.

In December 1998, the National Assembly debated and passed a private bill that would allow two specific antisect groups, both classified as "public utilities," to become parties to court actions involving sects. Its main provisions, with some modifications, were integrated into a separate bill on legal reform aimed at strengthening the presumption of innocence and victims' rights (see Section 1.d.). In June Parliament passed that bill, which contains a provision that allows some associations that aid individuals against groups that "create or exploit psychological or physical dependence" to become civil parties to certain criminal proceedings involving such groups. This provision is intended to allow antisect groups to become civil parties in certain proceedings involving sects.

Some observers are concerned about the scrutiny with which tax authorities have examined the financial records of some religious groups. The Government currently does not recognize all branches of Jehovah's Witnesses or the Church of Scientology as qualifying religious associations for tax purposes, and therefore subjects them to

a 60 percent tax on all funds they receive. In June the Conseil d'Etat decided that 2 branches of the 11 branches of Jehovah's Witnesses could be recognized as religious associations according to the 1905 law and thus be exonerated from certain tax obligations.

In January 1996, the tax authorities began an audit of the French Association of Jehovah's Witnesses, and in May 1998, the tax authorities formally assessed the 60 percent tax against donations received by Jehovah's Witnesses from September 1992 through August 1996. In June 1998, tax authorities began proceedings to collect the assessed tax, including steps to place a lien on the property of the National Consistory of Jehovah's Witnesses. The tax proceedings continued at year's end. In July a Nanterre court decided against the French Association of Jehovah's Witnesses, ruling that the Jehovah's Witnesses would have to pay over \$42 million (300 million francs) in back taxes to the fiscal authorities. In the same month the Jehovah's Witnesses appealed the Nanterre court's decision to the Versailles Court of Appeals, the appeal was pending at year's end.

The authorities previously took similar action against the Church of Scientology. In the case of the Paris church, the Ministry of Finance refused to grant the church authorization to import funds to pay the claimed taxes although the church offered to pay the total amount of all taxes assessed, a percentage of which would have come from outside the country. Subsequently in December 1997, the Government filed legal action for the claimed amount against the former officers of the Paris church and against the Church of Scientology International (a California nonprofit organization). The hearing in this legal action was deferred pending a decision regarding a 1998 administrative claim filed with the Conseil d'Etat by the Paris church that the Minister of Finance acted improperly in refusing to allow the church to import funds to pay the assessed taxes. In January 1999, the Conseil d'Etat requested the advice of the European Court of Justice. On March 14, the Court ruled that French law was incompatible with European Union laws regulating the free flow of capital; however, the Court ruled that such regulations could be allowed if required on the grounds of a threat to public security or public policy. The Court ruled the French laws were not sufficiently detailed and, on December 8, the Conseil d'Etat found the State at fault and upheld the decision of the European Court of Justice. However, the judgment's practical effect was limited because the affected churches had dissolved themselves and been reconstituted in the intervening period under different names.

In July 1997, a Court of Appeals in Lyon recognized Scientology as a religion in its opinion in the conviction of Jean-Jacques Mazier, a former leader of the Scientologists, for contributing to the 1988 suicide of a church member. In response the Minister of the Interior stated that the court had exceeded its authority and that the Government does not recognize Scientology as a religion. The Government appealed the Court of Appeals decision, but in June 1999, the Court of Cassation rejected the Government's appeal, but the Court stated that it lacked the authority to decide if Scientology was a religion.

There have been a number of court cases against the Church of Scientology, which generally involved former members who sue the Church for fraud, and sometimes for the practice of medicine without a license. In October the Paris prefecture denied a request by the Church of Scientology for a permit for a demonstration (see Section 2.b.); the group held their gathering in a private park.

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

The law provides for the grant of refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum. In 1999 the Government received 30,907 requests for asylum and issued 4,659 refugee certificates (a document issued to successful asylum applicants). The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. On September 24, voters approved a referendum to shorten the term of the President from 7 years to 5 years. Abstention rates for the vote were almost 70 percent.

There are no legal restrictions on the participation of women in politics or government; however, they remain significantly underrepresented in public offices, especially at the national level. Eleven of 32 cabinet members, 20 of 321 senators, and 57 of 577 deputies in the National Assembly are women. The European Union Parliament includes a larger French female presence—40 percent of the country's elected representatives are female. To increase women's participation, some parties have established quotas for them on electoral lists or in party management. In June 1999, a joint session of both the Senate and the National Assembly approved a constitutional amendment on the principle of "equal access of men and women to electoral mandates and elective functions." In May the Parliament adopted a law that implemented the constitutional amendment. The law provides that, starting with the municipal elections in March 2001, political parties are to have equal numbers of women and men on their lists of candidates. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

The citizens of the "collective territory" of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums, and they elect deputies and senators to the French Parliament, along with the overseas departments.

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

A wide variety of local and international human rights organizations operate freely, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)—which has nongovernmental as well as government members—also monitors complaints and advises the Government on policies and legislation. It is an independent body in the Office of the Prime Minister.

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

Statutes ban discrimination based on race, religion, sex, ethnic background, or political opinion, and the Government effectively enforces them.

Women.—The Penal Code prohibits rape and spousal abuse, and law enforcement authorities vigorously enforce these laws; however, violence against women remains a problem. The Ministry of Interior reported that in 1999 there were 7,958 rapes and 12,732 instances of other criminal sexual assault. The penalties for domestic violence vary according to the type of crime and range from 3 years imprisonment and a fine of approximately \$42,450 (300,000 francs) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsors and funds programs for women who are victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assist abused women.

Trafficking in women is a problem (see Section 6.f.). Prostitution is legal; acting as a pimp is not. A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace; however, these laws have encountered difficulties in implementation. Women's rights groups criticize the scope of the law as narrow and the fines and compensatory damages as often modest. For example, the law limits sexual harassment claims to circumstances where there is a supervisorsubordinate relationship but fails to address harassment by colleagues or a hostile work environment.

The law requires that women receive equal pay for equal work, but this requirement often is not implemented in practice. Reports by various governmental organizations and NGO's indicates that men continue to earn more than women, and unemployment rates continue to be higher for women than for men. For example, a report released in September 1999 by National Assembly Deputy Catherine Genisson indicated that in the country's 5,000 largest firms, the average difference in salary between men and women is 27 percent. A study by the National Institute of Statistics and Economic Studies indicated that in March the unemployment rate for women was 11.9 percent, compared with 8.5 percent for men.

Children.—The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical

care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

There are strict laws against child abuse, particularly when committed by a parent or guardian. In 1999 there were approximately 18,500 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children. Approximately 4,800 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. The Government provides counseling, financial aid, foster homes, and orphanages, depending on the extent of the problem. Various associations also help minors seek justice in cases of mistreatment by parents.

Some immigrants from countries where female genital mutilation (FGM) is customary subject their children to this practice, which is condemned widely by international health experts as damaging to both physical and psychological health. Authorities prosecute FGM cases under the provisions of the Penal Code, which states that acts of violence towards children that result in mutilation shall be tried in the highest criminal court. Since 1993 the Government and private associations have undertaken a campaign to inform immigrants that FGM is contrary to the law and would be prosecuted.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1991 law requires new public buildings to be accessible to the physically disabled, but most older buildings and public transportation are not accessible.

Religious Minorities.—The number of anti-Semitic incidents increased in the fall, due in part to increased unrest in the Middle East. According to the annual NCCHR report on racism and xenophobia, released in the spring, there were a total of 51 threats and 9 acts of violence in 1999, compared with 73 threats and 1 act of violence in 1998.

During October more than 100 anti-Semitic incidents, ranging from graffiti to harassment to firebombing, occurred across the country, mainly as a result of increasing tensions in the Middle East. For example, on October 10, a synagogue in Trappes was set on fire and destroyed. The city government allowed the congregation to use a city hall for the celebration of one of the Jewish high holy days. On October 12–14, local authorities in Strasbourg recovered several Molotov cocktails that had been planted in a synagogue. On October 14, a synagogue in Lyon was rammed by a car and then caught fire. Three synagogues in the Paris suburb of Bagnolet and a Jewish shop in Toulon were firebombed. On October 17, six incendiary devices were discovered outside a Jewish school in Paris. On October 23, a synagogue in Marseille was firebombed. It appeared that youths were responsible for many of these incidents, and some arrests were made. Government leaders, members of the Jewish community, the Paris Grand Mosque, the Protestant Federation, and the French Conference of Bishops strongly criticized the violence. The Government increased police security for Jewish institutions.

On May 22, the Paris district court ruled that an Internet company violated a law prohibiting defamation and incitement to hate crimes when it permitted the public display of Nazi artifacts for sale on the Internet. Following a hearing on July 24, the judge postponed implementation of the order. On November 21, a judge upheld the verdict, and ordered the company to block access from the country to sites offering Nazi memorabilia within 3 months.

In October 1999, the Court of Cassation upheld a Bordeaux court's 1998 conviction of Maurice Papon for his actions as secretary general of the Prefecture of Gironde from 1942 to 1944. Papon was found guilty of complicity in committing crimes against humanity for his role in the deportation of hundreds of Jews to Nazi concentration camps during the World War II German occupation. The Bordeaux court had sentenced him to 10 years' imprisonment; however, he had not been detained because he had appealed to the Court of Cassation, and just before that court's ruling, Papon fled from his home. His failure to appear resulted in an automatic rejection of his appeal. On October 22, 1999, he was arrested in Switzerland and returned to France; he remained in prison at year's end. In April Papon filed an appeal to the European Court of Human Rights; the appeal was pending at year's end.

National/Racial/Ethnic Minorities.—Anti-immigrant sentiments led to various incidents, including occasional attacks on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted a continuing decrease in the number of reported incidents of racist threats⁷⁹ threats were reported in 1999, a decrease from 91 in 1998. However, the number of reported incidents of racist violence increased to 12 in 1999 from 8 in 1998. There were no deaths due to racist violence in 1999.

The Government strongly condemns such actions and attacks and has strict antidefamation laws. Government programs attempt to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There are also antiracist educational programs in some public school systems. The annual NCCHR report suggested that the Government continue to strengthen its laws against racist acts.

According to the 1999 public opinion poll reported in the annual NCCHR report, 12 percent of those polled admitted to being "rather racist," 27 percent admitted to being "a little racist," 30 percent said they were "not very racist," 29 percent said that they were "not at all racist," and 2 percent had no response.

Romani asylum seekers often remain in the country after their claims have been denied. They do not have official papers, which limits their access to health care and education. They often live in crowded conditions without proper sanitary facilities.

The Administrative Court in Nantes continued to consider the June 1998 appeal of Moroccan national Khaddouj Tahir at year's end. In 1997 Tahir was refused naturalization because she wore a hejab veil during her final interview. Naturalization officials stated that "her garments showed a refusal to integrate into the French community." According to the law, applicants for naturalization must demonstrate their assimilation into French society as well as their loyalty to the French nation.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association for all workers. Trade unions exercise significant economic and political influence, although less than 10 percent of the work force is unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body.

Unions are independent of the Government, and most are not aligned with any political party. However, many of the leaders of the General Confederation of Labor and its unions belong to the Communist Party.

Workers, including civil servants, are free to strike except when a strike threatens public safety. One-fourth of all salaried employees work for the Government. The number of workdays lost to strike action in the private sector increased during the year, and the number of strikes increased. Most of the widely publicized national strikes or protests occurred in the public sector or affected state-owned companies, and were called principally over implementation of the 35-hour workweek, salaries, privatization or reorganization plans, and working conditions (of which hours, staffing, and personal security were the primary issues). Teachers and health care workers mounted several strikes and protests over pay, personnel levels, and government efforts to reform the health and educational systems. Public transportation workers in Paris and other cities struck repeatedly in support of demands related to the implementation of a 35-hour workweek or the deployment of additional security personnel to deal with violence directed at transportation personnel. Railway workers also mounted strikes in support of demands related to the 35-hour workweek. Unions representing armored car workers mounted numerous strikes, including a 2-week national strike in May, to demand increased compensation and stricter security measures following several robberies in which several union members were killed. Air traffic controllers struck to protest European Union efforts to centralize air traffic control across Europe. Workers at two airlines struck during a busy spring travel period to protest anticipated job losses resulting from the takeover of their company by a foreign carrier. Truck drivers blocked border points and ports early in the year over concerns that European regulations for work-hours in their sector would deprive them of reductions called for under the move to a 35-hour workweek. In September owners of taxis, trucking companies, and fishing boats blockaded roads and ports over rising fuel prices.

The law prohibits retaliation against strikers, strike leaders, and union members, and the Government effectively enforces this provision.

Unions freely join federations and confederations, including international bodies.

b. The Right to Organize and Bargain Collectively.—Workers, including those in the three small export processing zones, have the right to organize and bargain collectively. The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

A 1982 law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels, but does not require that negotiations result in a signed contract. In case of an impasse, gov-

ernment mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force are covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and Government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, are available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Works councils, which are open to both union and non-union employees, are elected every 2 years.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited by law, and the Government effectively enforces this provision.

d. Status of Child Labor Practices and Minimum Age for Employment.—With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. Generally, work considered arduous or work between the hours of 10 p.m. and 5 a.m. may not be performed by minors under age 18. Laws prohibiting child employment are enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law. The law prohibits forced or bonded child labor, and the Government effectively enforces this prohibition (see Section 6.c.).

e. Acceptable Conditions of Work.—The administratively determined minimum wage, revised whenever the cost-of-living index rises 2 percentage points, is sufficient to provide a decent standard of living for a worker and family. The hourly wage was changed to \$5.60 (42.02 francs) as of July 1. Since February the legal workweek is 35 hours for firms of 20 or more workers. Overtime, under the 35-hour workweek, is capped at 1,600 hours per year for most workers. Firms of less than 20 workers have until January 2002 to reduce their workweek to 35 hours. For these firms, the legal workweek is 39 hours, with a minimum break of 24 hours per week. Overtime work is restricted to 9 hours per week.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards are high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons.—The law prohibits the trafficking of persons; however, trafficking in women is a problem. In the past, the country has been primarily a transit point for women trafficked for sexual purposes from Africa, South America, and Eastern and Southern Europe, despite stringent laws that prohibit such trafficking. The country is now also a destination for trafficked women, as increasing numbers of women from Eastern Europe, the former Soviet Union, and the Balkans are trafficked to work as prostitutes in cities, often under harsh conditions.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another, and the public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually are prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$140,000 (1 million francs). Penalties rise to up to 10 years in prison and up to approximately \$1,400,000 (10 million francs) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years in prison and a fine of up to \$2,800,000 (20 million francs). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$4,200,000 (30 million francs) in fines. These laws are enforced to various degrees—according to one press report, the most visible pimps are arrested, while those who work quietly go unnoticed.

Several law enforcement agencies are involved in the effort to combat trafficking. The Central Office for the Repression of Trafficking in Humans is under the authority of the central criminal investigation directorate of the police judiciary, which handles organized crime. It centralizes information and coordinates operations to

counter trafficking, and maintains contacts with the police, the Gendarmerie, foreign and international law enforcement authorities, and NGO's. Regional services of the police judiciaire also combat trafficking, and the police judiciaire has brigades to combat pimping in Paris and Marseille. Local police forces also address problems of prostitution and pimping.

In the past, the country was a transit point for victims; however, in 1997 police began to see organized rings of traffickers, primarily from southeast Europe. The number of young women brought to the country to work as prostitutes continues to increase, in part because traffickers throughout Europe have benefited from the open borders under the Schengen Accords. Some victims come as a result of fraud or force; some are brought by a friend, or a friend of a friend; others have worked as prostitutes in their home countries, and are willing to continue the practice to pay for their immigration papers. In 1999 OCRTEH reported investigations into rings operating out of the Czech Republic, Bulgaria, Latvia, Nigeria, Cameroon, Albania, Ecuador, Benin, Poland, and the former Yugoslavia. Much of the flow is now from Eastern Europe and the Balkans, but women from Africa and Latin America, who often enter the country through Marseille or the Spanish border, also have been trafficked into the country.

The number of women from the former Soviet Union, Eastern Europe, and the Balkans has increased markedly, and has received increased press attention. For example, in March French and Belgian police dismantled an international trafficking ring organized in Paris and run from Brussels. This network trafficked women from the former Yugoslavia through Italy into forced prostitution in Brussels and Paris. Police dismantled the ring after French officials noticed that a number of prostitutes were traveling two or three times a week to Brussels on the highspeed train, apparently to pay their "protectors." French officials arrested and extradited three Albanians. In January OCRTEH dismantled an Albanian trafficking ring in Toulouse. After reportedly being sequestered for several weeks and subjected to rape, torture, and threats against their families if they tried to escape, the women reportedly were sold for around \$1,250 (9,000 francs), which included a "guarantee" that they would work as prostitutes for 3 months.

In May the magazine *Le Nouvel Observateur* quoted the Commissaire of OCRTEH as saying that two-thirds of the foreign prostitutes in the country were from Eastern Europe (including the former Soviet Union), whereas in the previous few months, they represented only one-third. The magazine also reported that in Nice, women have responded to advertisements for waitresses or models that appeared in newspapers in Kiev or Moscow; and in Strasbourg, the number of prostitutes has more than doubled in the past 5 years—approximately two-thirds of the women are Czechs or Bulgarians.

There are numerous NGO's that deal with trafficking in persons and prostitution. The Scelles Foundation, which has a center for international research and documentation of sexual exploitation, provides information to the media on the issue, and supports other associations in the country and around the world. The NGO *L'Amicale du Nid* works directly with prostitutes.

GEORGIA

The 1995 Constitution provides for an executive branch that reports to the President and a legislature. The President appoints ministers with the consent of the Parliament. In April Eduard Shevardnadze was reelected to a second 5-year term as President in an election marred by numerous serious irregularities. International observers strongly criticized this election due to interference by state authorities in the electoral process, deficient election legislation, an insufficient representative election administration, and unreliable voter registers. The country's second parliamentary elections under the 1995 Constitution were held in October 1999, which the Organization for Security and Cooperation in Europe (OSCE) characterized as a step toward Georgia's compliance with OSCE commitments. Local elections were held for the first time in November 1998. The country's first multiparty parliamentary elections after independence from the Soviet Union in 1991 followed a military coup in 1992 that ousted the elected government of Zviad Gamsakhurdia and brought Shevardnadze to power as head of a provisional government. The civil war and separatist wars that followed weakened greatly central government authority, not only in separatist Abkhazia and Ossetia, but also in other areas of the country, and the extent of central authority and control remain in question. Central government authority is limited in the autonomous region of Ajara. The Constitution provides for an independent judiciary; however, it is subject to executive pressure.

Internal conflicts in Abkhazia and South Ossetia that erupted in the early 1990's are unresolved. Cease-fires are in effect in both areas, although sporadic incidents of violence occur in Abkhazia. These unresolved conflicts, together with problems created by roughly 300,000 internally displaced persons (IDP's), pose a continuing threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians a large plurality of the population—were expelled from or fled the region. In 1994 Russian peacekeeping forces representing the Commonwealth of Independent States (CIS) deployed in Abkhazia with the agreement of the Government and the Abkhaz separatists. Although there has been no agreement on the return of IDP's to Abkhazia, a limited number have returned on their own to the Gali region of southern Abkhazia. As a result of fighting in May 1998, almost all of the 53,000 Georgian IDP's who had returned to the Gali region of Abkhazia again fled. After May 1998, IDP's continue to travel back and forth to the Gali region and as many as 40,000 may be living in the Gali Region on a more or less permanent basis. A Russian peacekeeping force also has been in South Ossetia since 1992 and is part of a joint peacekeeping force with Ossetians and Georgians in South Ossetia. Repatriation of Georgians to South Ossetia and of Ossetians to the rest of Georgia has been slow. The Government has no effective control over Abkhazia or much of South Ossetia. Almost no IDP's have returned to other parts of Abkhazia.

The Ministry of Internal Affairs (MOI) and Procuracy have primary responsibility for law enforcement, and the Ministry of State Security (MSS, formerly the KGB) plays a significant role in internal security. In times of internal disorder, the Government may call on the MOI or the army. Elected civilian authorities do not maintain adequate control over the law enforcement and security forces. Members of the security forces committed an increased number of serious human rights abuses.

The Government made efforts to develop a market-based economy. Key exports are scrap metal, manganese, wine, mineral water, and agricultural products. Agriculture represents approximately 30 percent of gross domestic product (GDP). Per capita GDP for the first 9 months of the year was estimated at \$486. According to the Georgian Department of Statistics, approximately 52.6 percent of the population is living below the poverty level. The rate of economic growth continued to slow and the eastern part of the country suffered a drought. There was a growing fiscal deficit, as revenue collection continued to be very low. Government salaries and pensions were still in arrears.

The Government's human rights record worsened, and was poor in several key areas. Numerous serious irregularities in the April presidential election limited citizens' right to change their government. According to the Government and non-governmental organization (NGO) human rights monitors, security forces continued to beat and otherwise abuse detainees, force confessions, and fabricate or plant evidence. Reports of police brutality increased throughout the year. Several deaths in custody were blamed on physical abuse, torture, or inhuman or life-threatening prison conditions, and most government promises of reforms remain unfulfilled. The Ministry of Justice gained formal jurisdiction over the prison system from the Ministry of Interior in 1999; however, this transfer of responsibility was accomplished without adequate fiscal resources and consequently exacerbated the already harsh conditions. Moreover, the MOI retains a significant role in prison staff and investigations. Minister of Justice Mikheil Saakashvili, appointed in October, acknowledged serious shortcomings in the prison system and initiated steps to address them. Saakashvili fired some corrupt administrators, released some inmates to reduce overcrowding, and took steps toward creating a prison inspection system that would include NGO participation. Authorities allegedly continued to use arbitrary arrest and detention. Corruption in law enforcement agencies is significant and pervasive. In addition, despite numerous investigations, large-scale corruption on the part of lower level and high government officials still is tolerated widely as an inevitable consequence of economic hardship and low salaries. Local human rights groups reported that security force brutality against them, harassment, and arbitrary arrest and detention of their members increased during the year, especially after April. Senior government officials, including the President, acknowledged serious human rights problems and sought international advice and assistance on needed reforms; however, neither the President nor other senior officials took concrete steps to address these problems, and Parliament failed to budget adequately for mandated reforms. Law enforcement agencies made little progress in adapting these practices to democratic norms, and impunity remains a problem.

The judiciary is subject to pressure and corruption and does not always ensure due process; judicial reform efforts to create a more independent judiciary were undercut by failure to pay judges in a timely manner. As a result of the Law on Common Courts, many corrupt and incompetent judges were removed from the bench

and replaced by judges who passed a qualifying exam and vetting process. There were lengthy delays in trials, and prolonged pretrial detention remains a problem. The Criminal Procedures Code, which was passed in 1997, was amended in 1999 and again in the summer in response to complaints by security forces that legislated reforms would hamper criminal investigations. Parliament also repealed provisions in the 1998 Criminal Code that would have allowed citizens under investigation access to the courts prior to trial. Procuracy reform was stalled. Human Rights Watch released a highly critical report in October that detailed new restrictions on due process and other setbacks to judicial reform. Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. The press generally was free; however, security forces and other authorities on occasion intimidated and used violence against journalists. The Government restricted freedom of assembly, and law enforcement authorities dispersed numerous peaceful gatherings. Government officials infringed upon freedom of religion. Discrimination against and harassment of some religious minorities are problems. Violence and discrimination against women are problems. Trafficking in women for the purpose of forced prostitution is a problem.

Growing citizen awareness of civil rights and democratic values and the continued evolution of civil society provided a partial check on the excesses of law enforcement agencies. A number of independent NGO's are active in defense of the rights of individual citizens and religious groups. International observers noted that most NGO activity is concentrated in Tbilisi. Criticism from the press and the NGO community and timely intervention from government and parliamentary human rights monitors, played an important role in halting the abuse of citizens detained by the police in a few specific cases.

There was little information available on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political or extrajudicial killings by government agents. Security force abuses reportedly resulted in several deaths in custody.

The Government stated that 61 prisoners died in prison, and it appears that 5 prisoners died in jail or prison hospitals in pretrial detention during the year. Human rights NGO's and the press report that physical abuse, torture, and inhuman prison or pretrial detention conditions contributed to a number of these deaths. The authorities attributed the majority of these deaths to illness. On May 31, Mamuka Rizhamadze was found hanged in a Kutaisi jail. He was arrested in Tkibuli on May 24 but had not been charged. The official autopsy stated that he committed suicide; however, an independent autopsy, carried out at the request of his relatives, concluded that there were numerous injuries to his body and that a blow to his head killed him before he was hanged. Police claim that Rizhamadze threatened them with a grenade and that they acted in selfdefense.

Authorities attributed nine deaths in 1999 to suicide, including that of Ivane Kolbaya, who in February 1999, fell to his death from a fifth floor window of the Ministry of Internal Affairs while being questioned about his alleged involvement in a theft. An international human rights NGO brought this case to the Government's attention, as well as four others, including the 1998 death of Gulchora Dursunova and the 1997 deaths of Akaki Iacobashvili and Eka Tavartkiladze. In 1999 the National Security Council requested that the Procuracy determine the legality of the decisions made in these cases. The Procuracy upheld decisions affirming the ruling of suicide in all cases. Two police officers were charged in Kolbaya's case, but the court returned the case to the Procuracy for further investigation. On December 4, 1999, Zaza Tsitsilashvili allegedly threw himself to his death from the sixth floor of the Ministry of Internal Affairs. The investigation did not result in any charges. However, family members say that his corpse showed evidence of being beaten.

On October 16, Antonio Russo, a reporter for Radio Radicale was found dead outside of Tbilisi. His colleagues feared that he may have been murdered in reprisal for coverage of the conflict in neighboring Chechnya, Russia. Some persons believe that Russo may have been killed to prevent him from publishing materials on the Russian use of banned chemical weapons in Chechnya. There have been no allegations and there is no evidence implicating the Government in Russo's death. The Government is conducting and ongoing investigation into the murder.

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including by partisan groups and by Abkhaz separatists. The partisan

groups in the past have received government support and training; however, the Government claims that it no longer controls nor supports the partisans. The partisans are viewed by the general public as criminal gangs engaged in smuggling, extortion, and other illegal activities. The number of incidents of abuse decreased from the previous year. Killings and other abuses on both sides of the conflict have not been investigated, prosecuted, or punished.

Both Georgian and Abkhazian forces laid tens of thousands of landmines during the 1992–1993 fighting. The 2000 Landmine Monitor Report states that in 1999 and 2000, there continued to be numerous reports that groups from Georgia, allegedly linked to the Georgian Government infiltrated into Abkhazia and laid antipersonnel mines. The Government criticized these partisan groups and arrested some of their leaders. There has been a reduction in the number of persons killed or injured by landmines, primarily because a large number of persons have left the mined territories.

b. Disappearance.—Georgian partisan/criminal groups active in Abkhazia periodically took hostages, usually in exchange for captured compatriots. Abkhaz and Georgian officials agreed on joint efforts by their law enforcement agencies to prosecute those responsible for this and other criminal activity that threatened to destabilize the cease-fire. The September 12 detention in Zugdidi of David Shengalia, the leader of one of the partisan bands, reduced tensions to some extent through the end of the year. During the year, there were several instances of hostage taking by criminal groups for ransom purposes. All of these kidnappings are believed to have been criminal or economic and not political.

In June two U.N. officials, a foreign businessman, and their Abkhaz interpreter were abducted in Abkhazia's Kodori Gorge. They were handed over to Georgian authorities on June 5 without payment of the \$300,000 ransom demanded by their kidnapers.

Three International Committee of the Red Cross (ICRC) staff members were abducted in the Pankisi Gorge in August. The three staff members were released on August 13, one week later.

On November 30, two Spanish businessmen were abducted and held captive in Pankisi Gorge. Authorities still are searching for them.

Two U.N. observers were abducted in Abkhazia's Kodori Gorge on December 10, and released 3 days later after negotiations with presidential representative Emzar Kvitsiani; reportedly no ransom was paid. Svan bandits are believed to be responsible for the abduction, as well as for a previous abductions of U.N. officials in October 1999 and 2000.

In Abkhazia, an autonomous republic in Georgia, six Georgians were taken hostage in Abkhazia's Gali region on August 23 and were released 3 days later as a result of mediation by members of the U.N. Observer Mission and the CIS peace-keeping forces. The Abkhaz hostage takers did not receive the \$2,050 (5,000 lari) they had demanded initially.

Georgian and Abkhaz commissions on missing persons reported that the fates of more than over 1,000 Georgians and several hundred Abkhaz who disappeared as a result of the war in Abkhazia still are unknown. Abkhaz and Georgian officials agreed on joint efforts to determine the whereabouts and repatriate the remains of missing fighters. The ICRC cooperated in the effort through its Red Cross message system.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids the use of torture; however, members of the security forces continued to torture, beat, and otherwise abuse prisoners and detainees, usually to extract money or confessions. International and domestic observers note that incidents of police abuse increased following the April presidential elections. Serious abuses and police misconduct continue and corruption and criminality, such as the fabrication or planting of evidence, remain problems. Widespread impunity remains a problem. Many human rights observers argue that the police increasingly believe that they will not be held accountable for such actions.

The most serious incidents of abuse occur in the investigative phase of pretrial detention when suspects are interrogated by police. Human rights observers and lawyers noted that abuses occur more frequently at the time of arrest and in police stations, rather than in pretrial detention facilities, as was previously the case. Human rights advocates noted a growing number of confessions made in police stations. Some observers charge that police also conducted investigations in apartments outside the police stations to avoid registering detainees. According to human rights observers, those who suffer such abuse are held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.). For example, David Sturva claimed that in September police tortured him with beatings and

electric shocks, and attempted to suffocate him. Medical examinations confirmed his charges. Police also abused other detainees (see Section 1.d.).

Police agents within the prison population allegedly committed abuses in pretrial detention facilities. For example, Paata Skhirtladze was beaten and his ear was bitten off by another prisoner (see Section 1.d.). Another prisoner initially confessed on video camera that he was ordered to torture another inmate and force narcotics on him. Charges were brought against him for this incident, but he subsequently recanted his confession (see Section 1.e.).

Police misconduct reportedly was worse outside Tbilisi, where awareness of laws and citizens' rights is lower and human rights NGO's are less active. However, one prominent human rights group notes that at the village level personal relationships work to prevent the sorts of abuse found in the larger towns and cities.

Despite an overall culture of impunity, some policemen were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. According to the Ministry of Internal Affairs, 35 administrative inquiries were performed, 21 policemen were reprimanded administratively; and 6 policemen were dismissed in connection with police abuses. However, recent changes to the Criminal Procedures Code weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). In general, accountability tended to occur only in extreme cases, such as those resulting in death, and even then it is rare (see Section 1.a.). Many observers claimed that prosecutors frequently are reluctant to open a criminal case against the police or close a case for lack of evidence. Observers believe that many instances of abuse go unreported by victims due to fear of reprisals or lack of confidence in the system.

Domestic human rights advocates reported that allegations of the use of torture, such as electric shock, to extract money or confessions significantly increased during the year. Human Rights Watch reported in 1999 that mistreatment and physical abuse of detainees continued to be rampant. However, some observers noted that when the Ministry of State Security (as opposed to the Interior Ministry) managed the investigation, allegations of physical abuses were rare.

In the past, security forces have tortured some defendants in politically sensitive cases, such as those involving members of the former Gamsakhurdia government and members of the paramilitary Mkhedrioni (see Section 1.e.). Local human rights observers alleged that abuses continued to occur in two pretrial detention facilities, Isolator Five in Tbilisi and the pretrial facility in Kutaisi. Isolator Five, in the basement of the Ministry of the Internal Affairs headquarters, the facility in which is detainees suspected of a serious crime or whose cases had political overtones incarcerated. As a condition of membership in the Council of Europe, Isolator Five was to be closed as of January 1, 2000; however, domestic human rights organizations claim that the facility remains open and serves the same function, only under a different name. According to local human rights observers, despite calls by senior law enforcement officials for investigators to show restraint, many persons who were detained in Isolator Five afterwards reported that they were beaten or otherwise abused. Often the threat of incarceration in this facility was sufficient to induce a confession.

In contrast to those arrested in connection with the 1995 assassination attempt on President Shevardnadze, in general those persons arrested in May 1999, for plotting against the Government and those arrested for the 1998 assassination attempt against President Shevardnadze reportedly were not mistreated. However, one suspect, Otar Melikadze, reported in June that investigators had tortured him. Although human rights observers noted that the Procuracy collected evidence, for use in the court proceedings, the families and state-appointed advocates of the defendants had limited access to them. Melikadze, Soso Nadiradze, Archil Panjikidze, and David Tsotsoria, who were arrested for plotting against the Government, initiated a hunger strike, claiming that they and their lawyers did not have access to their case files.

Government officials acknowledged that Ministry of Internal Affairs personnel in the past routinely beat and abused prisoners and detainees. Government officials continued to claim that a lack of proper training, poor supervision of investigators and guards, and lack of equipment often resulted in abuse. For example, investigators in the past were trained to obtain confessions rather than use physical evidence to assemble a case. After law enforcement agencies expressed concern that the safeguards contained in the new Criminal Procedures Code would make it difficult for them to combat crime, amendments to the code in 1999 and during the year reinstated many of their powers (see Section 1.e.).

International and local human rights observers expressed concern that corruption is related to the number of police officers nationwide. According to the Ministry of Internal Affairs, there are 13,881 police officers; however, NGO's estimated that

there are 35,000 police officers. The Government was unable to pay the salaries for the police force. Consequently, police solicited bribes from the general population, especially motorists, and also from suspects detained on suspicion of criminal activity. The period between an arrest and a bail hearing was another opportunity for solicitation of bribes. According to international and domestic observers, the police sometimes attempt to extort money from suspects in exchange for not officially registering an arrest. Police reportedly approached suspect's family and offered to drop charges in exchange for a bribe.

Members of Parliament's Committee on Human Rights and Ethnic Relations and local human rights groups independently investigated claims of abuse. There was a significant increase in the number of claims filed; however, fear prevented many persons from filing claims, and not all claimants followed their claims all the way through to trial. The Committee noted that since the presidential election, claims shifted from requests for assistance to complaints about mistreatment and violations by the police and Procuracy, as well about of the Procuracy's failure to pursue criminal investigations of alleged violators. The National Security Council's human rights advisor also has a mandate to investigate claims of abuse. The Constitution mandates a human rights defender or ombudsman. The role of the ombudsman's office is to offer assistance to those who believe that abuse has occurred or a right has been violated; however, the law does not provide the ombudsman with the authority to forward a complaint to a court with a recommendation that it be reviewed prior to trial.

Police officers reportedly sometimes beat and raped prostitutes.

Members of the security forces beat members of religious minorities (see Section 2.c.).

Police reportedly harassed and at times abused street children (see Section 5).

Prison conditions are inhuman and life threatening. Facilities lack adequate cell space, medicine, and food. Infrastructure is crumbling due to lack of resources and corruption in the prison administration. The President pardoned 1,500 prisoners in April 1999, and 1,700 prisoners in October 1999 as a means of alleviating crowding; however, observers still consider the prisons to be overcrowded. The problem was exacerbated by the hasty transfer of responsibility for prison administration to the Ministry of Justice, which was unprepared to take over, according to human rights observers and government officials. The authorities acknowledged that conditions are inhuman and life threatening; however, they did not take effective steps during the year to address the fundamental problems.

On January 20, a riot broke out in Kutaisi's preventive detention Ward 2, reportedly triggered by the rape of a prisoner. As the result of an investigation, nine officials were dismissed, including the head of the ward. Some human rights groups claim that rape by inmates is common in prisons. Khvicha Kvirtia claimed that, while he was in prison, the head of the prison regularly beat him. He also claimed that those prisoners who had no money to bribe officials were tortured.

Torture and physical abuse of prisoners led to deaths in custody. The prison mortality rate reportedly was high; however, human rights NGO's claim that authorities kept the official rates artificially low by releasing prisoners who were terminally ill or by sending prisoners to the hospital when they are on the verge of death. Additionally, monitors state that deaths of prisoners without families usually went unreported. The OSCE also noted an increase in the number of deaths in prison in the first 3 months after the transfer of authority to the Ministry of Justice. Most of the deaths during the year were attributed officially to medical causes, usually tuberculosis. According to the ICRC, tuberculosis is widespread in the prison system. In recognition of this fact, the ICRC continued a joint program with authorities begun in 1997 to reduce the incidence of the disease. In 1999 a prisoner reportedly weighing just 66 pounds was released from a Rustavi prison; he died within three days. Observers reported an increase in violence among prisoners, sometimes resulting in deaths. The increase was attributed to the insufficient and demoralized guard staff. One observer stated that the failure to pay guard staff and the loss of promotion possibilities due to the penitentiary reform created a staffing problem.

Temur Papuashvili, a suspect in an alleged 1999 coup plot, died in custody on January 3, reportedly due to illness. However, the Ministry of State Security began an investigation into the death after allegations that Papuashvili had been poisoned. Two days later, the investigation was closed, apparently at the request of Papuashvili's mother and wife.

In accordance with requirements stipulated by the Council of Europe, the responsibility for the prisons was transferred from the Minister of Internal Affairs (MOI) to the Ministry of Justice on January 1, 2000. Although the Ministry of Justice is responsible for overall administration of the prison system, the law on prisons permits MOI personnel to continue to staff the prisons. The MOI also maintains several

of its own cells in the various prisons. Other legislation also permits the MOI to conduct investigations among inmates to gather evidence for trials without judicial approval. Local and international human rights observers noted little change in prison conditions. No significant personnel changes or restructuring occurred prior to the appointment of Minister of Justice Mikheil Saakashvili in October. However, following a number of officials were removed. Advocates noted an improvement in access for family members and to the telephone since the transfer of authority.

The ICRC had full access to detention facilities, including those in Abkhazia, in accordance with its customary procedures, which include meetings with detainees without the presence of third-party observers and regular repetition of visits. The OSCE mission, whose mandate includes prison visits, reported bureaucratic delays but no serious problems in obtaining access to prisoners and detainees. However, local human rights groups reported that they have increasing difficulty in visiting detainees, especially in cases with political overtones.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution includes provisions to protect citizens against arbitrary arrest and detention; however, authorities frequently violated these provisions. The Constitution provides for a 9 month period of maximum pretrial detention, mandated court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (see Section 1.e.). The old Soviet Criminal Code had been amended to implement these constitutional safeguards and was superseded in 1997 by the Criminal Procedures Code. These amendments generally, although not always, were observed, as prosecutors continue to maintain undue influence over criminal procedures. A new Criminal Code was enacted in June 1999.

Judges issue warrants and detention orders, and suspects must be charged within 3 days. Pretrial investigatory detention is limited to 9 months in accordance with the Constitution, instead of 18 months as allowed by the old Soviet code. Judges may extend pretrial detention by 3 month intervals up to 9 months. Human rights NGO's stated that the amendments to the old Soviet Code made the pretrial detention period less arbitrary; however, international and domestic observers also stated that such detention usually is longer—sometimes as much as 2 years—because this protection routinely is interpreted to include only the Procuracy's investigative period, not the defense's investigative period as well. Reportedly, police frequently detain persons without warrants. At year's end, there were 8,676 persons in custody, including both prisoners serving sentences and suspects held in pretrial detention.

A new Criminal Procedures Code, along with other legislation to implement constitutional protections and restrict the powers of the Procuracy and the police, was passed by Parliament in 1997; however, implementation was delayed until May 1999 (see Section 1.e.). Following enactment of the New Criminal Code in June 1999, the Criminal Procedures Code was amended substantially in July of that year. A number of amendments sought to harmonize the Criminal Procedures Code with the new Criminal Code. However, several amendments significantly weakened protections against arbitrary arrest and detention. Specifically, the changes imposed severe restrictions on a detainee's access to the courts in the pretrial period. According to Human Rights Watch, before these amendments were enacted a defendant could complain directly to the court prior to a trial regarding abusive actions committed by the police or the Procuracy during a criminal investigation and could request a forensic medical examination. Under the amended provisions, a defendant can file a complaint of abusive investigation only with the Procuracy. The Procuracy's decision cannot be appealed to the courts. Human rights NGO's state that this hinders a detainee's ability to substantiate a claim of police misconduct, especially in view of the close ties between the Procuracy and the police and the delays such requests entail. Human Rights Watch and other human rights advocates stated that permission for an independent forensic medical examination rarely is granted. It is difficult for those under criminal investigation to obtain objective medical examinations in a timely manner to substantiate reports of physical abuse. If a medical examination is not conducted within 3 to 4 days of the incident it becomes difficult to establish the cause of a detainee's injuries. In the courts, only a state employed forensic medical examiner—which in the vast majority of the criminal cases is an employee of the Ministry of Health's Judicial Medical Expert Center—can testify about the detainee's injuries. Human rights advocates criticize the state forensic examiners as biased in favor of the Procuracy.

The amendments also eliminated the right of a witness to be accompanied by a lawyer when being questioned by the police. A witness can be held by the police for 12 hours without being charged. Human rights monitors claimed that the police frequently charge witnesses as suspects at the end of this period. Human Rights Watch also reported that police often called in a detainee's lawyer as a witness, thereby denying him access to his client. Human Rights Watch released a highly

critical report in October that detailed new restrictions on due process and other setbacks to judicial reform.

According to observers, including the OSCE and the Association of Former Political Prisoners for Human Rights, police frequently treat individuals in their custody with brutality; however, correct legal procedures were observed more often once a detainee entered officially into the system. Police often failed to inform detainees of their rights and prevented access to family members and lawyers. While officially suspects are charged within 3 days of registration, observers claim that police frequently delay registering detainees for long periods in order to seek bribes in return for dispensing with registration altogether (see Section 1.c.). Authorities often held prisoners who were tortured and abused in police stations and pretrial detention for lengthy periods in order to give their injuries time to heal (see Sections 1.c. and 1.e.). Police often claim that injuries were sustained during or before arrest.

On June 18, Paata Skhirtladze was arrested for "exhibitionism" and later charged with two ritual murders and deaths. He allegedly was subjected to abuse in Isolator Five. His ear was cut off, apparently by a fellow prisoner, and he was forced to swallow it. Skhirtladze apparently confessed to the murders, but human rights observers believe he did so under pressure and connect the abuse of Skhirtladze to his affiliation with the Osho community, a spiritual movement.

In September the police stopped and searched David Sturua in Tbilisi's Saburtelo neighborhood. Upon finding keys in his bag, they charged Sturua and his friends with involvement in multiple burglaries. Sturua was taken to an MOI detention cell. He was not permitted to notify family members or contact a lawyer. He claims that he was subjected to torture, including attempted suffocation, electric shocks, and beatings. Medical examinations confirm Sturua's charges. The ombudsman asked the MOI to investigate (see Section 1.c.).

Lasha Kartvelishvili, arrested for allegedly killing a police officer, claimed he was beaten severely and denied access to his lawyer before being charged. He was charged 14 days after his arrest (the legal limit is 72 hours) following the intervention of government human rights advocates. An independent medical examination found numerous injuries. Police say that he sustained his injuries falling down the stairs. Family members argued that he was tortured. The lawyer that his family retained to defend Kartvelishvili repeatedly was denied access to his client. Kartvelishvili never formally filed a complaint and assented to the official explanation of his injuries. He remained in prison at year's end.

The Criminal Procedures Code established a system of bail; however, observers note that it rarely is employed.

There were no cases of forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary often does not exercise full independence. Judicial impartiality is limited. The judicial reform process, which was completed in 1999, had some success in leading to the appointment of a larger number of more highly qualified judges; however, local and international observers agree that judicial authorities continue to defer to pressures from the executive branch and well-connected special interests. Investigators routinely plant or fabricate evidence and extort confessions in direct violation of the Constitution. Judges are reluctant to exclude evidence obtained illegally over the objection of the Procuracy.

Results of the judicial reform effort were uneven. Judicial incompetence and corruption, including the payment of bribes to judges, is still a significant problem. Although there were reports by several trial attorneys and local NGO's in Tbilisi that some cases were being handled in a more and expeditious manner since the reform, progress outside of Tbilisi was not as marked. Observers commented that although judges were better educated, they are hindered by lack of practical experience. Human rights organizations point to poor access to case law as a further contributing factor. Due to the Government's fiscal crisis, judges' salaries were not paid for a 6-month period, creating an incentive to corruption. Pressure from extensive family and clan networks was extensive.

The 1997 Law on the Courts, which was designed to enhance judicial independence, established a three-tier court system. Implementation of the law was completed in 1999. At the lowest level are district courts, which hear routine criminal and civil cases. At the next level are regional courts of appeal, which serve as appellate courts for district courts; they started functioning in May 1999. The regional ("city") courts also try major criminal and civil cases, review cases, and either confirm verdicts or return cases to the lower courts for retrial. The Supreme Court acts as a higher appellate court and remains the court of first instance for capital crimes and appeals from the Central Election Commission.

A separate Constitutional Court was created in 1996. Its mandate includes arbitrating constitutional disputes between branches of government and ruling on indi-

vidual claims of human rights violations. The Court interpreted this latter function narrowly, agreeing to rule only in cases in which the complainant alleged that the violation was sanctioned by law. The court only considers one case at a time. Since its inception in 1996, many of the cases filed with the court have been heard and decided. The Court's rulings have demonstrated judicial independence.

Administration of the court system was transferred from the Ministry of Justice to the Council of Justice in 1997. The Council has 12 members, 4 selected from within each branch of government. The law established a three-part testing procedure for current and prospective judges to be administered by the council. The testing procedure was designed to reduce judicial incompetence and corruption. The Constitutional Court ruled in November 1998 that sitting judges could not be removed, thereby hampering the Government's attempts at judicial reform. The Parliament responded with a law stating that judges' terms would not be renewed beyond 2001 if they did not take and pass the examination, thereby observing the decision of the Constitutional Court, yet forcing the judges to qualify themselves through examination.

The first judges' examination was administered in February 1998. A total of 5 examinations were administered by the end of 1999, and some 250 judges had passed. A total of 176 judges passed both the exam and a vetting process and replaced judges who had not.

Supreme Court justices also were required to take the examination. They resisted the requirement, arguing that the exam was an infringement on judicial independence and that, since they were confirmed by Parliament, they already were subject to public scrutiny and review. The Court's Chief Justice appointed 12 new justices, 10 of whom had passed the judicial exams. Some observers have alleged that the Supreme Court's decisions are subject to political and other undue influences.

Aside from the judicial system, law enforcement as a whole still has not undergone significant reform. Payment of bribes to policemen and Procuracy officials reportedly is common (see Section 1.c.). The Procuracy is identified as part of the judicial system in the Constitution, and there were calls from legislators and others to move the Procuracy into the executive branch.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and to refuse to make a statement in the absence of counsel. The detaining officer must inform the detainee of his rights and must notify the detainee's family of his location as soon as possible. However, these rights are not observed fully in practice. Authorities frequently do not permit detainees to notify their families of their location. Defense attorneys and family members often have difficulty obtaining permission from investigators to visit clients. Investigators seldom inform individuals of their rights. There were lengthy delays in trials. Human Rights Watch noted that defense counsel is not required to be present at any pretrial hearings and that defendants and their attorneys regularly complained that they were not notified of scheduled hearings.

Under the Criminal Procedures Code, the police are not obliged to allow a lawyer to enter a police station unless hired by a detainee. Local police authorities limited lawyers' access to detainees. In 1999 the Tbilisi city council initiated a project with a local NGO to create a system under which lawyers would be placed in Tbilisi police stations to advise detainees of their rights without charge. The project was implemented intermittently at the beginning of the year, but then was halted due to lack of funding and legal difficulties. Participating lawyers complained that there was low public awareness of the program and that local police authorities limited their access to detainees. For example, in 1999 one lawyer witnessed police beating a detainee; when she began to question the police, she was pushed out of the room. When representatives from NGO's and the Government arrived at the station, the police chief denied that any beating had occurred. While the district prosecutor promised to investigate the case, there had been no investigation by year's end. The Parliamentary Committee on Human Rights and National Minorities also created a card listing a citizen's rights in case of arrest. By year's end, it had distributed 25,000 or 31,000 printed cards to students, NGO's, and visitors to the Committee.

In 1999 the Tbilisi city council initiated a project with a local NGO to create a system under which lawyers would be placed in Tbilisi police stations to advise detainees of their rights without charge. The project was implemented intermittently at the beginning of 2000, but then was halted due to lack of funding and legal difficulties. Participating lawyers complained that there was low public awareness of the program, and that local police authorities were limiting their access to detainees.

Parliament passed the legislation required to implement constitutional protections in 1997. The implementing legislation included the Criminal Procedures Code and

the Law on the Procuracy. These laws were designed to create a legal system with adversarial trials by reducing the powers of the Procuracy, increasing the rights of defense attorneys, and enhancing the independence and authority of the judiciary; however, amendments to the Criminal Procedures Code adopted in 1999 and significantly weakened many of these provisions. As in the Soviet period, prosecutors continue to direct criminal investigations, supervise some judicial functions, and represent the State in trials. Most criminal trials continued to follow the Soviet model. Prosecutors continued to wield disproportionate influence over outcomes. The Criminal Procedures Code prohibits the same judge who signed a warrant from hearing the case; this rule frequently was violated outside of Tbilisi, since few regions have more than one judge.

The Soviet system of state-employed criminal defense attorneys began to break down in 1998. Individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the Procurator's Office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured to accept a state-appointed attorney. The Procuracy not only had control over state-appointed lawyers; it also determined whether a defendant's request to change lawyers was granted. However, several NGO's provided free legal services for those whose human rights were violated in Tbilisi and one NGO was planning to open regional offices in 2001. Human Rights Watch noted that detainees sometimes are coerced by procurators to accept state-appointed attorneys or other attorneys who do not vigorously defend their interests.

The quality of attorneys is uneven. In addition, licensing of forensic medical examiners and other experts is not an assurance of competence.

International and local human rights groups agree that there are some political prisoners but disagree as to the number, giving estimates ranging from 25 to 54. A number of these individuals—including members of the Mkhedrioni, Gamsakhurdia supporters, and state security personnel committed criminal acts and were tried and sentenced for them on criminal grounds, although they may have had political motives. According to some local observers, detained political leaders of Gamsakhurdia's supporters never took up arms and should be considered political prisoners. Several, including Valter Shurguaia, Zviad Dzidziguri, and Zaur Kobalia, were still in prison at year's end. These individuals—political leaders of Gamsakhurdia's movement—were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons. They are serving sentences ranging from seven to twelve years. President Shevardnadze pardoned about ten political prisoners during the year, including former National Guard commander Tengiz Kitovani and Nicholas Kvezereli. The latter was convicted, along with Jaba Ioseliani, of the 1995 assassination attempt on the President. Two others who were imprisoned for attempting to assassinate Shevardnadze also were released. The 1998 trial of Jaba Ioseliani, the head of the Mkhedrioni, and 14 other alleged conspirators in the 1995 assassination attempt on President Shevardnadze was characterized by the same violations found in other recent trials with political overtones. The Government consistently violated due process both during the investigation and the trial. Torture, use of forced confessions, fabricated or planted evidence, denial of legal counsel, and expulsion of defendants from the courtroom took place. Ten of the defendants claimed to have been beaten or tortured and coerced to confess during the investigative stage of the case. They allegedly were tried and convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons or have not yet been convicted. Some procedures were violated for those suspected of involvement in the 1998 assassination attempt on the President. The suspects were held beyond the legal maximum period of pretrial detention (see Section 1.d.).

On February 2, four Zviadists (followers of Gamsakhurdia) began a hunger strike demanding amnesty for all political prisoners. They were joined by a number of sympathizers outside the prison. A local NGO, Former Political Prisoners for Human Rights, and journalists were denied permission to visit the hunger strikers in prison. On April 8, the hunger strike ended after Chairman of Parliament Zurab Zhvania promised that the Parliament would deal with the question of strikers' amnesty, as well as the matter of amnesty for all involved in the 1992–93 civil war.

On April 20, President Shevardnadze pardoned or reduced the term for 279 prisoners convicted in connection with the civil war and many participants in the 1995 assassination attempt, including Mkhedrioni leaders Jaba Ioseliani and Dodo Gugeshashvili. On April 22, the Parliament passed a resolution on national reconciliation. The resolution required the Procuracy to review the cases of those convicted in connection with the civil war and to create a list of convicts to be released

by July 30. By year's end, 85 Zviadists were released under the program. Most of those remaining in prison had been charged or convicted of murder.

Tengiz Asanidze, who was pardoned by President Shevardnadze in October 1999, remained in prison in Ajara. The authorities in Ajara refused to release him and later accused him of abduction and of financial crimes. He was awaiting trial at year's end. Asanidze ran as a presidential candidate; as a result, the OSCE was able to visit him in prison. The Council of Europe's High Commissioner on Human Rights, Jose Alvaro Gil-Robles, visited Asanidze in June. Both Amnesty International and Gil-Robles have requested Asanidze's release.

On October 1, 12 prisoners escaped from Tbilisi's prison hospital and were subsequently recaptured. Those who escaped included former Finance Minister (in the Gamsakhurdia administration) Guram Absanidze and two others who had been charged with an alleged assassination plot against the President. Observers suspected that the escape involved collusion; it was unclear whether this involved prison staff only or higher authorities as well. The escapees also included Vakhtang "Loti" Kobalia, former leader of military forces loyal to former President Gamsakhurdia in the civil war against the paramilitary Mkhedrioni and the national guard in 1992-93. Kobalia had been sentenced to death for murder and treason in 1996; his sentence later was commuted to 20 years. Their trial, together with eight other defendants, was due to resume on October 2 but was postponed following the escape.

The Government allows international human rights and domestic organizations to visit political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution forbids the wire tapping of telephones and other forms of interference in an individual's private life without court approval or legal necessity; however, in practice law enforcement agencies and other government bodies occasionally monitored private telephone conversations without obtaining court orders. The Government stated that state security police and state tax authorities sometimes entered homes and places of work without prior legal sanction in emergency cases as permitted by the Criminal Procedures Code. Police sometimes stopped and searched vehicles without probable cause in order to extort bribes (see Section 1.c.). Police misconduct and corruption undermined public confidence in government, especially the law enforcement agencies.

Section 2. Respect for Civil Liberties, including:

a. Freedom of Speech and Press.—The Constitution, the 1991 press law, and other legislation provide for freedom of the press; however, although the independent press was generally free, several instances of intimidation of journalists occurred. According to journalists and NGO's, security and other authorities on occasion attempted to intimidate the press through public comments, private admonitions and, in some cases, violence. During the year, journalists were able to publish wide-ranging and extremely critical views of officials and their conduct. However, some journalists practice self-censorship. The Administrative Code enacted in 1999 contains a freedom of information section that provides for public access to government meetings and documents; however, few journalists have employed it. Libel laws inhibit investigative journalism. The Civil Code and other legislation make it a crime to insult the honor and dignity of an individual and place the burden of proof on the accused. Some advocates noted that the Government fails to register freedom of information act requests, as the Administrative Code requires. Moreover, they claimed that since the law contains no time limit for response, the release can be delayed indefinitely and the requesting party has no grounds for appeal.

Some 200 independent newspapers are in circulation. The press increasingly served as a check on government, frequently criticizing the performance of high-level officials. Increasingly, independent newspapers have replaced the government-controlled press as the population's source of information. The highest-circulation independent daily newspaper, Alia, has a national circulation nearly 20 percent higher than the government-controlled daily. However, independent newspapers continue to struggle in the regions, due largely to the population's lack of purchasing power. Several newspapers are relatively serious and reputable sources of information, although lack of financial resources hinders overall journalistic development. The circulation of most newspapers is limited to at most a few thousand copies, and usually much less. Few newspapers are editorially independent and commercial viability; they usually are subsidized by and subject to the influence of their patrons in politics and business. High printing costs and general poverty, especially in the countryside, limited the circulation of most newspapers to a few hundred or a few thousand readers. The Government finances and controls one newspaper (which also appears in Russian-, Azeri-, and Armenian-language versions) and

a radio and television network with a national audience; they reflect official viewpoints.

Most persons continue to get their news from television and radio. The Government's monopoly on television news was broken when Rustavi-2, a member of the independent television network TNG, emerged in 1998 as an important alternative to state television, after successfully resisting 2 years of government attempts to shut it down. It now is considered the only station other than the state-run channel with a national audience. In addition to Rustavi-2, there are seven independent television stations in Tbilisi. An international NGO that works with the press estimated that there are more than 45 regional television stations, 17 of which offer daily news. While these stations are ostensibly independent, a lack of advertising revenue often forces them to depend on local government officials for support. Some regions, such as Samtskhe-Javakheti and Kutaisi, have relatively independent media. Rustavi-2 has a network of 15 stations, 5 of which broadcast Rustavi-2's evening news program daily. Independent newspapers and television stations continued to be harassed by state tax authorities. Stations desiring benefits and better working relations with authorities, practice self-censorship.

Journalists stated that they are vulnerable to pressure from the authorities, as well as from business and societal elements. For example, Clara Abramia claimed that the police harassed her after she criticized the Internal Affairs Minister in a series of published articles. According to press reports, the Minister had requested that the Procuracy bring a criminal case against her, but the Procuracy refused citing a lack of evidence. She was granted political asylum in Sweden in February.

Gia Abdalaze, a photographer for Kviris Palitra newspaper, alleged that four police officers beat him and broke his camera outside the Tbilisi Sports Palace on April 8. He was attempting to photograph police beating several youths who were attending a pre-election concert. He filed a complaint with the Saburtelo district police and the Procuracy. He claimed that the police threatened that they would plant narcotics on him and beat his family. The Procuracy never filed charges against the police. A group of NGO's protested the beating.

On May 19, Akaki Gogichaishvili, the lead reporter for "60 Minutes," Rustavi-2's weekly investigative journalism series, announced that he had received a death threat indirectly from the Procurator's office. He was warned to stop broadcasting or face criminal charges, and then via a relative he was told to leave the country for his own safety. Following Gogichaishvili's May 19 announcement, NGO's and members of the public gathered to protest the threats on his life. This threat allegedly was connected to allegations of corruption in the Georgian writers' union broadcast on his February 26 and April 2 programs. In May the President issued a directive to the Ministers of State Security and Internal Affairs, the Procurator, and the Chamber of Control to investigate the allegations made by 60 minutes against the union. On May 11 the union was exonerated of corruption charges. Prior to the incident in May, Gogichaishvili and others on his staff had received death threats and been harassed.

On July 27, in Tbilisi, Vasiko Silagadze, a reporter for Eco Digest was beaten severely and his right thumb and forefinger slashed after he wrote a series of stories about alleged corruption of senior officials in the Ministry of Internal Affairs. Silagadze claimed that he was attacked again on September 7. The Procuracy was investigating the first attack at year's end.

On August 16, a mob led by Orthodox extremists, attacked journalists at a courtroom in Tbilisi (see Section 2.c.).

In October President Shevardnadze publicly criticized the daily newspaper Rezonansi for reporting comments by an opposition politician in Parliament who called for the overthrow of the "Shevardnadze regime." He asked the Procuracy to investigate the newspaper, which he stated had a history of provocative, antigovernment news coverage.

On October 16, Antonio Russo, a reporter for Radio Radicale, was found dead outside of Tbilisi (see Section 1.a.).

On October 14, 1999, George Kupuradze, a reporter for Rezonansi newspaper, and Sergei Belousov, a photographer, alleged that they were beaten severely by Devnoz Gabatashvili and other policemen when they tried to intervene on behalf of another person whom they claim was being beaten by police. Kupuradze suffered a concussion. He lodged a formal complaint and reportedly identified all three police officers involved at an identification procedure in the Gldani procurator's office. Only Gabatashvili was brought to trial and was charged with exceeding his authority and intentionally inflicting injury. Kupuradze alleged that the police officers tried to bribe him not to pursue the case. The Tbilisi court began hearing the case, but found the investigation inconclusive and referred the case back to the Procurator's

office for further investigation. Kupuradze appealed, but the decision was upheld by the Supreme Court in September.

In 1998 the trial of two journalists from the independent newspaper Orioni who reported allegations of sexual harassment and homosexuality in the armed forces was postponed indefinitely in April 1998. At that time, government and military officials reportedly responded by threatening the reporters with arrest, demanding the names of sources, and filing a civil lawsuit that charged defamation. One of the two journalists, Amiran Meskheli, was detained for allegedly having evaded military service. He subsequently was conscripted and assigned to the unit about which he had reported. Human rights monitors considered this an attempt at intimidation and filed a lawsuit to overturn his conscription. Meskheli remained free on bail.

The lack of an active journalists' association limited the effectiveness of media advocacy. Media observers noted that few journalists and government officials, especially in the regions, understand the legal protections afforded journalists and few have the resources to hire a lawyer to pursue court cases. Some have enlisted the assistance of the NGO community.

The 1999 Law on Post and Communications removed the telecommunications licensing process (including radio and television) from the direct control of the Minister of Communications and established an independent, self-financed, three-person regulatory commission to create an open and transparent process. However, the commission has not yet become active.

Channel 25 is the only independent television station broadcasting in Ajara, and has been operating since 1998. On February 14, it broadcast its first uncensored news coverage. On February 19, three of the four owners of the station alleged that they were coerced by Ajaran regional government officials and Mikhail Gagoshidze, chairman of Ajaran Television and Radio, to cede 75 percent of the company's shares to Gagoshidze. The owners stated that in return they were forced to take \$50,000 (100,000 laris) in cash. The same day, Batumi mayor Aslan Smirba physically assaulted Avtandil Gvasalia, the station's commercial director. Smirba claimed that he had a right to own the station, as he had helped the company get permission to broadcast. The owners brought suit against Gagoshidze, but lost their case in Ajara regional court. The case was in the appeal process at year's end.

The Government does not limit access to the Internet.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to peaceful assembly without prior permission from the authorities; however, both the national Government and local governments sometimes restrict this right in practice. A 1997 law on freedom of assembly requires political parties and other organizations to give prior notice and obtain permission from local authorities if they intend to assemble on a public thoroughfare. Members of the local NGO community believe that the law violates the Constitution and have sought to have it overturned by the Constitutional Court. However the Court refused to hear the case, explaining that a test case must be brought before it in order for it to consider the challenge, and that, an individual must prove that he has been harmed by this law. Most permits for assembly are granted without arbitrary restriction or discrimination; however, this is not the case for Zviadists, supporters of former President Gamsukhardia. Extreme Zviadists never have accepted any successor to the Gamsakhardia government as legitimate and held demonstrations demanding that the present Government resign. The Government viewed the public rallies of the Zviadists as a threat because of the publicity they generated for themselves and against the Government. The police broke up one of their rallies held in May 1999 and another in October. A hunger strike involving several hundred persons and conducted in the shell of Gamsakhardia's burnt-out villa in Tbilisi since mid-June 1999 was not disturbed and continued at year's end.

During the year, numerous rallies were held throughout Tbilisi and in other cities to protest pension and wages arrears. Police did not interfere. In June approximately 300 displaced persons gathered outside the Constitutional Court to demand payment of their overdue allowances. The police prevented the group from protesting in front of the Parliament. During the fall, demonstrations protesting energy shortages were common and allowed to proceed without hindrance. In February Zviadist politician Leila Tsomaia was beaten by two unidentified men in Tbilisi and hospitalized with a concussion. Zviadists claimed that she was beaten in order to prevent a rally the following day. She never filed a complaint. On April 6, Tsomaia and another opposition politician, Luisa Shakashvili, were escorted by the police out of the city, allegedly to prevent them from participating in a rally. In February 1999, she and Tamila Nikoldaze, a fellow Zviadist, had been pardoned and released from prison. They had been incarcerated on charges of civil disorder for attempting to stage a rally in front of Tbilisi university in 1997.

During the year, the police broke up rallies or gatherings and meetings held by various religious groups or watched while members of the public disrupted them (see Section 2.c.). Local authorities several times prevented Jehovah's Witnesses from conducting open-air assemblies on private and public property. In September police did nothing to prevent and allegedly participated in the break-up of two such assemblies in Zugdidi and Marneuli by followers of a radical former Orthodox priest, Father Basil Mkalavishvili. Jehovah's Witnesses reported ongoing threats and harassment by local police and other authorities in the fall (see Section 2.c.). On December 15, in the village of Uraveli, a group of 100–150 persons surrounded a house where 40 Jehovah's Witnesses had gathered and forced them to flee the area. On December 18, Father Mkalavishvili and his followers tried to disrupt construction work on a Pentecostal meeting hall in Tbilisi. On December 19, followers of Father Mkalavishvili tried to enter Guram Markozashvili's Tbilisi residence in order to force him to sign a document stating that he would no longer conduct meetings of Jehovah's Witnesses in his home.

According to press reports, police prevented a group of Chechens from starting a public walk for peace to Azerbaijan from the Akhmeta district on February 14. One participant allegedly was beaten. The authorities reportedly stated that the action was not registered and therefore was illegal.

In the Baghdati region of Imereti, police attempted to prevent a foreign labor union official and representatives of the Free Trade Union of Teachers of Georgia "Solidarity" (FTUTGS) from holding a meeting (see Section 6.a.).

Some rallies of opposition presidential candidate Jumber Patiashvili were disrupted, and in some areas he was denied permission to use public buildings (see Section 3).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination. However, on June 24, the Tbilisi appellate court overturned the registration of two organizations affiliated with Jehovah's Witnesses on the grounds that there was no law regulating the registration of religious organizations (see Section 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respects this right in practice; however, local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including Jehovah's Witnesses, Baptists, and Hare Krishnas.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history without further defining it, but also stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox church and not for any other religion. The Georgian Orthodox Church has lobbied Parliament and the Government for laws that would grant it special status and restrict the activities of missionaries from nontraditional religions. Various draft laws, some modeled on the Russian law on religion, have been rejected by Parliament.

Certain members of the Georgian Orthodox Church and the public view non-Orthodox, so-called "sects" as a threat to the Church and Georgian cultural values, a perception that some politicians exploited during elections. Local police and security officials at times harassed foreign missionaries and non-Georgian Orthodox congregations or did not intervene when others harassed them. For example, on September 16, the police and followers of the excommunicated priest Basil Mkalavishvili prevented Jehovah's Witnesses from holding a convention in Marneuli by stopping buses, physically attacking followers and burning and looting the convention site (see Section 2.b.). Jehovah's Witnesses allege that police actively participated in these activities, and at least one eyewitness confirmed that police did not impede the so-called Basilists. The head of the Marneuli district administration was dismissed on September 19 for undisclosed reasons following the incident there. An investigation was being conducted at year's end.

On September 9, police impeded buses from traveling to a Jehovah's Witnesses convention in Zugdidi. The convention began as scheduled, but was cut short due to pressure from local authorities, according to Jehovah's Witnesses. As the convention was dispersing, unidentified persons attacked some followers, looted the private property on which the convention was held, and burned the rostrum. According to Jehovah's Witnesses, the attackers were dressed in special forces uniforms.

On May 29, 1999, the police violently broke up a public prayer meeting of the Assembly of God in the Gldani district of Tbilisi, beating a number of members, pushing a 60-year-old woman to the ground, and screaming threats of murder. Church members sued police and prior to the subsequent civil trial, Ministry of Internal Affairs officials repeatedly harassed the pastor and members of the congregation. At the trial on August 16, 1999, the judge ruled that the police had not violated the

individuals' constitutional rights. The group filed an appeal and incurred further harassment from law enforcement authorities. On August 29, 1999, a riot allegedly instigated by the police broke out at one of the organization's churches. Some members were beaten, and the police confiscated some members' documents, forcing the victims to retrieve them at the police station.

In July and August Customs officials and security officials impounded over 40 tons of religious materials being imported by Jehovah's Witnesses. The materials were not released, despite intervention by the National Security Council official responsible for human rights. The Customs Department stated that it had received notification that the Tbilisi Appellate Court had annulled Jehovah's Witnesses' organizational registration and therefore legally had to hold the literature. Jehovah's Witnesses filed suit against the Customs Department and officials in August; and their literature was released in December.

In September the Government refused to extend the visa of the official representative of the Watchtower Society (Jehovah's Witnesses) to the Caucasus; however, he later was issued a visa.

In October 1999, a Jehovah's Witnesses' worship service of 120 parishioners in the Gldani section of Tbilisi was attacked violently by renegade Georgian Orthodox group (see Section 5). (The leader of this group was excommunicated from the Church due to its radical and confrontational stance). The Gldani police refused to intervene. Sixteen persons were injured in the attack. On December 25, 1999, the case was forwarded to the Gldani prosecutor's office for criminal charges. Despite the advocacy by the National Security Advisor for human rights on behalf of Jehovah's Witnesses, in January the Gldani regional prosecutor's office returned the case to the city prosecutor's office, stating that no violation had occurred. The group continues to press for prosecution of the police's behavior in this and similar subsequent incidents. Instead, the official in charge of the investigation decided in June to charge one of the plaintiffs with hooliganism. On September 28, the two were given suspended sentences of 6 months and 3 years, respectively. The two witnesses are planning to appeal their conviction. The judge also referred for further investigation the case of two followers of excommunicated priest Father Basil Mkalavishvili, who were charged with burning Jehovah's Witnesses literature during the same incident; however, unlike those of Jehovah's Witnesses, these cases were later dismissed.

A member of parliament brought a civil suit in April 1999 to ban Jehovah's Witnesses, arguing that the organization is anti-Orthodox, antistate, and antinational. Appeals by Jehovah's Witnesses to an appellate court and then to the Supreme Court contending that the suit was groundless were refused. The Supreme Court stated that the lower court first must hear the case. In November 1999, the lower court judge remanded the issue to an academic study group to study the literature of Jehovah's Witnesses. In February the Isani-Samgori district court dismissed the lawsuit based on the opinion of an academic panel. The case was appealed to the Tbilisi district appeals court, and on June 23, the court ruled in favor of the member of parliament. Jehovah's Witnesses' appealed to the Supreme Court; a hearing was scheduled for January 2001.

On January 16, two members of Jehovah's Witnesses were attacked on the street in Gldani. On February 13, another pair of members was attacked. They filed a complaint with both the police and the prosecutor; both refused to pursue charges.

On August 20, the chief of the Tianeti District police and three other policemen reportedly dispersed a service in a Baptist Church and looted the property. The pastor allegedly was taken to the police station and threatened with future arrests. No action had been taken against the policemen by year's end.

On September 28, police raided a Hare Krishna meeting house in Tbilisi and confiscated a large amount of religious literature.

The Roman Catholic Church and the Armenian Apostolic Church have been unable to secure the return of churches closed during the Soviet period, many of which later were given to the Georgian Orthodox church by Soviet authorities. A prominent Armenian church in Tbilisi remained closed. The Armenian Apostolic Church, the Catholic Church, and Protestant denominations have had difficulty obtaining permission to construct new churches, reportedly in part as a result of pressure from the Georgian Orthodox Church. However, a new Catholic Church opened in Tbilisi in 1999 and another in Batumi during the year.

Regular and reliable information about the "Republic of Abkhazia," which is not recognized by any country and over which the government of Georgia does not exercise control, is difficult to obtain. The Abkhaz "President," Vladislav Ardzimba, issued a decree in 1995 that banned Jehovah's Witnesses in Abkhazia. It remains in effect. A number of members of Jehovah's Witnesses were detained subsequently. Five persons who were detained in April 1999 for violating the decree were released

in early May after their counsel argued that their detention violated a freedom of conscience clause in the Abkhaz Constitution.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution, the 1993 Law on Migration, and other legislation generally provide for these rights, and the Government generally respected them in practice. Registration of an individual's place of residence is not required, nor were internal passports. Old Soviet passports bearing "propiskas" (proof of legal residence in a particular locality) were accepted as proof of identity because passports and identity cards are expensive and difficult for many members of the electorate to obtain, especially in poorer and more remote rural areas.

On July 21, border guards prevented Jehovah's Witnesses traveling from Armenia from entering the country, claiming that the group no longer was a legal organization in Georgia. Only after official authorization by the head of the border guards were the followers permitted to cross.

Approximately 275,000 so-called "Meskhetian Turks," who were expelled from southern Georgia to Central Asia by Stalin in the 1940's, still face both official and public opposition to their return in the face of threats by local ethnic-Armenian inhabitants of the Samtske-Javakheti region and officials of the government of Armenia that their return to the region would cause a violent reaction. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union broke up and remain stateless.

In 1996 President Shevardnadze issued a decree authorizing the return of 1,000 Meskhetians per year for 5 years. The decree has never been implemented, and to date only a few hundred Meskhetians have returned as illegal immigrants. The Government has provided housing for most of them, but because they were to be the subject of a separate law, which has not yet been passed, they were deprived early in 1998 of their refugee status and, consequently, of their housing subsidy. Most of the approximately 600 Meskhetians living in the country have Georgian citizenship.

In December 1997, Parliament passed a law entitled "Recognizing Georgian Citizens as Political Victims and Social Protection of the Repressed." This law, intended to rehabilitate victims of the Soviet era, specifically excluded the Meskhetians, whom it identified as the subject of a separate law. Draft legislation regarding Meskhetians has yet to be introduced in Parliament.

In March 1999, a presidential decree was issued to address the Meskhetian issue. It established the State Commission on the Repatriation and Rehabilitation of the Population Deported from Southern Georgia. In connection with its accession to the Council of Europe in April 1999, the Government undertook to begin the process of Meskhetian repatriation within 3 years. In July 1999, the Government announced that it had granted citizenship to 36 Meskhetians.

The 1994 quadripartite agreement between Russia, Georgia, Abkhazia, and the U.N. High Commissioner for Refugees (UNHCR) on repatriation in Abkhazia called for the free, safe, and dignified return of internally displaced persons (IDP's) and refugees to their homes. The Abkhaz separatist regime prevented virtually any official repatriation and unilaterally abrogated the agreement in late 1994. From 1994 to May 1998, an estimated 53,000 of the 283,000 IDP's and refugees from Abkhazia returned spontaneously, most to the southern part of the Gali district. In May 1998, the unstable security situation in Gali deteriorated into open warfare between the Abkhaz militia and Georgian partisans and MOI troops. The partisans were defeated and, in the aftermath, many of the Georgian returnees fled once again as their homes were burned and looted by Abkhaz separatist forces.

In January 1999, the Abkhaz separatists unilaterally invited IDP's to return to Gali starting on March 1, 1999, but did so in the absence of measures acceptable to the Georgian Government for ensuring their safe return and security. The move did not affect significantly the return of IDP's to Gali, who continued to travel back and forth to Gali to tend their property. Since May 1998, IDP's continue to travel back and forth to the Gali region and as many as 40,000 may be living in Gali on a more or less permanent basis.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDP's and refugees. Ethnic Georgians from South Ossetia fled to Georgia proper and Ossetians from South Ossetia and other Georgian regions fled to Russia. In 1997 the UNHCR began a program to return IDP's and refugees to their homes. Both sides created obstacles that slowed the return. There were about 24,000 Ossetian refugees living in North Ossetia, Russia. To date about 370 Ossetian families from Russia have returned, the majority to South Ossetia. The South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although approximately 200 families returned. For political reasons, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other Georgian regions. In 1997 the Government

publicly recognized the right of Ossetian refugees to return to their homes in Georgia but took little action to facilitate their return. Persistent opposition by Georgian authorities, especially at the local level, over the return of illegally occupied homes has prevented the organized return of Ossetian refugees to Georgia proper. During the year, approximately 13 Ossetian refugee families returned to South Ossetia, 11 Ossetian refugees returned to Georgia proper, and 32 Georgian IDP families returned to South Ossetia. Since the outbreak of hostilities in the Chechnya region of Russia in September 1999, the Government has registered approximately 7,000 refugees from that region. Most were women and children and settled in the Pankisi Gorge.

There is no effective law concerning the settlement of refugees or the granting of political asylum, including first asylum, in accordance with the principles of 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Parliament passed an asylum law in March 1998, but it is not fully consistent with international standards as set out in the U.N. Convention.

According to the UNHCR, the Government processed no asylum cases during year, one in 1999, and none in 1998. There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution and the 1995 parliamentary and presidential election laws provide citizens with the right to change their government peacefully through regular elections; however, the April presidential elections were marred by numerous serious irregularities and limited this right in practice. An elected president and parliament govern most of the country.

Presidential elections were held on April 9. There were seven official candidates, although two candidates, Aslan Abashidze and Tengiz Asanidze, withdrew less than 24 hours before the election. Only two candidates campaigned actively: the incumbent, President Eduard Shevardnadze, and Jumber Patiashvili, both former leaders of the Georgian Communist Party during the Soviet period. International observers strongly criticized the election. The CEC reported that Shevardnadze won with over 78 percent of the vote to Patiashvili's 16 percent, in contrast to observer estimates of 50 to 70 percent of the vote for Shevardnadze and 30 percent for Patiashvili. The OSCE noted serious irregularities, including instances of ballot stuffing, group voting, groups of identical signatures on voters lists, media bias, and lack of transparency in vote counting and tabulation. Some observers also noted a police presence in polling places and insufficiently representative electoral commissions at all levels. The OSCE noted that the situation deteriorated in the counting process. In general procedural safeguards were not implemented. The CEC annulled the election results of six polling stations.

During the campaign period, Patiashvili protested unfair media coverage. Eleven candidates applied for registration to the CEC. Seven parties nominated and registered independent candidates through a procedure that was not fully transparent. Former President Gamsakhurdia's finance minister Guram Absanidze, who was accused of organizing an assassination attempt against President Shevardnadze in 1998 (see Section 1.e.), applied to register as a presidential candidate. The CEC rejected his application, since he had not been living in the country for 2 years before the election. On August 31, the Supreme Court overturned this decision. At year's end, Absanidze was awaiting trial after his escape from prison and subsequent recapture in October.

The Revival Bloc, a coalition of opposition political parties also known as the Batumi Alliance and closely linked to Ajaran leader Aslan Abashidze, claimed that the election discredited the political process in the country. A number of smaller political parties boycotted the election, and another party urged the electorate to vote against all candidates. A number of opposition rallies were disrupted by police or bureaucratic obstacles were erected to prevent their organization (see Section 2.b.).

Extensive amendments to the electoral laws were adopted less than three weeks before the presidential election, causing confusion in the administration of the election. There was inadequate time to implement some of the amendments properly. The OSCE also raised concerns about the transparency of the candidate registration process and ballot distribution.

Parliamentary elections were held in October 1999. Thirteen electoral blocs and 34 political parties fielded candidates for 150 proportional and 75 majoritarian seats. The Citizens' Union of Georgia (CUG), chaired by President Shevardnadze, won an outright majority. International observers judged the conduct of the elections throughout the country to be a step towards compliance with OSCE commitments, but noted that the election process did not meet all commitments. A number

of irregularities were noted, including restrictions on freedom of movement, which on occasion prevented political parties and observers from exercising their rights. A second round was held on November 14, which OSCE observers described as well-conducted in some districts but marred with irregularities in others. The OSCE cited in particular intimidation of members of precinct election commissions and instances of ballot stuffing in Tbilisi, Abasha, and Chkhorotsku. The OSCE noted problems such as the election law's provision permitting the ruling party to dominate all levels of the election administration, the CEC's insufficiently transparent vote tabulation, and the CEC's poor handling of election complaints. In the Autonomous Republic of Ajara, dominated by Ajaran supreme chairman Aslan Abashidze, fraud was widespread. There was no voting in these elections in the separatist regions of Abkhazia and South Ossetia, which remain outside government control. Ten Members of Parliament from Abkhazia elected in 1992 had their terms extended.

The local governments elected in November 1998 were expected to have more authority over how local government is run; however, lack of funding from the central government (in lieu of an independent tax base), corruption, and the absence of legislative guidelines made it difficult for them to exercise authority. The opposition criticized the Government for retaining the power to appoint the mayors of the largest cities and regional chairmen, who were not always from the area they serve.

The division of power between the central and local governments remained a key issue in the country's transition to democracy.

The degree of actual autonomy to be exercised by the "Autonomous Ajaran Republic" was at the center of this debate during the year. Ajara's post-independence relationship to the rest of the country still was undefined and, in matters such as elections, Ajara's authorities claimed that regional laws took precedence over national laws. The Revival Party, the dominant political party in Ajara led by Aslan Abashidze, the supreme chairman of the Ajaran Autonomous Republic, boycotted the national Parliament for much of the year in a dispute with the CUG over the degree of autonomy in Ajara. The party took part in the October 1999 parliamentary elections as the major opponent to Shevardnadze's CUG. The Government was reluctant to challenge interference in the local electoral process by the Ajaran authorities because it sought to avoid encouraging threats of separatism in this ethnically Georgian, but historically Muslim region.

In the November 1998 local elections, the mayor was elected by a direct vote in Batumi, in contrast to the other major cities. In the October 1999 parliamentary elections, international and domestic observers reported various forms of intimidation and abuses in Ajara, as well as outright fraud.

In April the Parliament granted the former autonomous Soviet Republic of Ajara the constitutional status of an autonomous republic. The division of authorities and competencies between the national and Ajaran governments had not yet been defined.

Women are underrepresented in government and politics; however, women's NGO's took an active role in the 1999 parliamentary election season, engaging candidates in discussions about issues of concern to their memberships. In the 235-seat Parliament, women were represented poorly in the 1999 election with only 16 women winning seats. Only two women held ministerial posts.

Representation of national minorities decreased in the new Parliament from 16 members to 13 members; there were 6 ethnic Armenian representatives and 4 ethnic Azeris in the new Parliament. Ethnic Armenians in 1995 constituted 11 percent of the population as a whole, while ethnic Azeris made up 3.8 percent of the population. Other minority groups represented include Ossetians, Kurds, Jews, and Greeks.

"Presidential elections" were held in Abkhazia in October 1999. International organizations, including the U.N. and the OSCE declared them illegal. Georgian authorities criticized them as having no legal basis, as they had the Abkhaz local elections of March 1998, on the basis that a majority of the population has been expelled from the region.

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

The Government generally respected the right of local and international organizations to monitor human rights but continued to restrict the access of local human rights groups to some prisoners (see Section 1.c.).

There are a number of credible local organizations that monitored human rights, most of them in Tbilisi. Other local human rights groups that are extensions of partisan political groups have little credibility or influence. Local human rights NGO's reported that the Government was slightly less responsive during the year. They continued to view the Parliamentary Committee on Human Rights as the most ob-

jective of the Government's human rights bodies. The National Security Council's human rights advisor was engaged on some human rights matters, including those of Jehovah's Witnesses (see Section 2.c.).

The constitutionally mandated Office of Public Human Rights Defender, or ombudsman, was created in 1995. The first ombudsman was appointed to the position in November 1997 and chose to focus on social and economic issues, rather than on defending political and civil rights. He resigned in August 1999. On July 16, Nana Devdariani was appointed to the position. While government representatives have been effective in individual cases, neither they nor the NGO's have been successful in prompting systemic reform. NGO's can and do bring suits to courts of the first instance on behalf of persons whose rights have been abused.

In 1997 the UNHCR and the OSCE mission established a joint human rights office in Sukhumi, Abkhazia, to investigate security incidents and human rights abuses. The office, which has operated sporadically because of fluctuating security conditions, provides periodic findings, reports, and recommendations. The human rights office in Sukhumi registered relatively few complaints of abuse by de facto police and judicial authorities in the region.

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

The Constitution recognizes the equality of all citizens without regard to race, language, sex, religion, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence, and the Government generally respected these rights. The Constitution stipulates Georgian as the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetian, and Russian communities prefer to communicate in their native languages or in Russian. Both Georgian and Russian are used for interethnic communication.

Women.—The Criminal Code, in force since June 1, classifies marital rape and sexual coercion as crimes. There are no laws that specifically criminalize spousal abuse or violence against women. According to a poll conducted in 1998 by the NGO Women for Democracy, younger women reported that spousal abuse occurs with some frequency and, since it is a social taboo to go to the police or otherwise to raise the problem outside the family, it is reported or punished only rarely. Spousal abuse is reportedly one of the leading causes of divorce. Domestic violence continued to rise as economic conditions became more difficult. Police did not always investigate reports of rape. A local NGO, with the help of an international NGO, opened a shelter for abused women in the spring of 1998. The Government established a hot line for abused women, but provided no other services. There are currently anonymous telephone services specialized in assisting female rape victims, but there are no shelters, specialized services, or other mechanisms to protect and assist them. In February the President approved a national action plan on combating violence against women, which charged the Ministries of Internal Affairs, Labor, Health and Social Affairs with providing support to victims; however, this plan was not implemented at year's end. Sexual harassment, reportedly a problem in the workplace, was not investigated.

Kidnaping of women for the purpose of marriage continues to occur, especially in rural areas, although the practice is declining. Such kidnapings are often arranged elopements; however, these abductions often occur against the will of the intended bride, and sometimes involve rape.

Prostitution is not a criminal offense. There were proposals to create legal controls for prostitution, in part to prevent the spread of venereal diseases. The President has indicated his opposition to the idea.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

Sexual harassment and violence against women in the workplace is a problem, especially as economic conditions worsen, according to a U.N. Development Program report.

The Civil Code gives women and men equal inheritance rights. A number of women's NGO's, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democracy, promote women's rights. NGO's supported a 1998 poll of women conducted by Women for Democracy, which found a gap between the perceptions of older and younger women. Older women tended to view their place in traditional society as an honored one; younger women reported that although there were no real barriers to a professional life or to a good education, discrimination and harassment in the workplace were problems. Younger women also reported that the economic balance had shifted in their favor, as many traditionally male jobs disappeared due to the depressed economy. Women's access to the labor market was improving but remained primarily confined, particularly for

older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. Many women, especially of the generation under the age of 35, hold highly professional positions. However, these are a lower percentage than men. A study released by the Caucasus Center for Sociological Studies during the year noted that 72 percent of working women no longer believe that they should have a dependent role in the family. However, almost half of these women stated that they would compromise this belief to preserve the family unit. Many women seek employment abroad.

A study released in 1999 reported that women were paid 78 percent of men's wages in the public sector and 67 percent of men's wages in the private sector. The Government's data noted a wider disparity in both categories. Reportedly, men were given preference in promotions. Of the 105,000 unemployed persons throughout the country, 55 percent were women. Women rarely fill leadership positions. The Government had no active efforts focused on women's issues. According to the UNDP, employers frequently withhold benefits connected to pregnancy and childbirth.

Children.—Government services for children were extremely limited. The 1995 Health Reform Act withdrew free health care for children over the age of 3 years. While education is officially free, many parents were unable to afford books and school supplies, and most parents have to pay for their children's education. The Ministry of Education announced in that it was beginning an overhaul of the educational system; however, no action had been taken by year's end.

There was no societal pattern of abuse of children, but difficult economic conditions broke up some families and increased the number of street children. The private voluntary organization Child and Environment noted a significant increase in the number of homeless children following the collapse of the Soviet Union. It estimated that there are currently more than 2,500 street children in Tbilisi due to the inability of orphanages and the Government to provide support. The organization opened a shelter in 1997. The Ministry of Education opened a second shelter in July 1998. However, even together, the two shelters can accommodate only a small number of the street children. Outside of Tbilisi, even in areas of acute need such as Kutaisi, Zugdidi, and Batumi, no such facilities or services existed. The children increasingly survive by turning to criminal activity, narcotics, and prostitution. Police increasingly harassed and abused street children. Despite a cultural tradition of protecting children, the Government took little official action to assist street children due to a lack of resources.

The Isolator for street children in Gldani is allegedly overcrowded and children frequently are abused. In September police beat and detained Sasha Duchenko in the Gldani facility for 3 days before his parents were informed. His parents had reported him missing to their local district police station. However, the child had not been registered and his parents at first were told that he could not be found. The police then tried to extort money for the boy's return. The child was released only after a public protest.

The lack of resources negatively affected orphanages as well. In all orphanages children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The adult staff was paid poorly and had many months of unpaid wages. The staff often diverted money and supplies provided to the orphanages for its own use.

The Criminal Code states that child prostitution and pornography are punishable by imprisonment of 3 months to 3 years.

People with Disabilities.—There is no legislated or otherwise mandated provision requiring access for the disabled. However, the 1995 Law on the Social Security of Disabled Persons mandates that the State ensure appropriate conditions for the disabled to use freely the social infrastructure and to ensure proper protections and supports. The Law on Labor has a section that includes the provision of special discounts and favorable social policies for those with disabilities, especially disabled veterans.

Many of the state facilities for the disabled that operated in the Soviet period have been closed because of lack of government funding. Most disabled persons are supported by family members or by international humanitarian donations.

Religious Minorities.—The Georgian Orthodox Church repeatedly has spoken out against so-called "sects" and argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign missionaries continued to report harassment on the part of extremist Orthodox groups, local police, and security officials (see Section 2.c.).

There was no pattern of anti-Semitism. The Jewish community experienced delays in the return of property confiscated during Soviet rule. A court ordered a former synagogue, rented from the Government by a theater group, to be returned to the Jewish community in 1997. The theater group refused to comply and started a pub-

licity campaign with anti-Semitic overtones to justify its continued occupation of the building. In December 1997, President Shevardnadze promised Jewish leaders that the synagogue would be returned before the celebration of 2,600 years of Jewish settlement in Georgia, on September 9, 1998. However, the President's order was not enforced and the building remained in the hands of the theater group. The district court ruled again in February 1999 that the synagogue building must be returned to the Jewish community and ordered the city to find other premises and provide compensation for the theater company. However, the case was appealed and on July 3, the Tbilisi appellate court overturned the February 1999 decision. The Jewish community plans to appeal to the Supreme Court.

On April 19, Jehovah's Witnesses services were dispersed in four different cities in the western part of the country. Complaints were lodged, but no charges were filed. On May 17, the excommunicated priest Basil Mkalavishvili and his followers held a protest demonstration outside Parliament, demanding that the Georgian Orthodox Church be declared the state religion and that Jehovah's Witnesses be banned. The Basilists also tried to beat an official of Jehovah's Witness and burned a photograph of a prominent human rights activist who has been active on behalf of oppressed religious minorities. On May 18, the Basilists held a rally in front of Parliament to protest the activities of nontraditional religious groups and NGO's.

In January and February police and prosecutors refused to prosecute persons who attacked members of Jehovah's Witnesses.

On July 28, in Gldani a large mob of Father Basil Mkalavishvili's supporters encircled and forcibly stopped a busload of Jehovah's Witnesses traveling to a religious gathering in Marneuli. The attackers disabled the bus by puncturing a tire, and they shoved, pushed, and struck the men, women, and children as they left the vehicle. Shortly thereafter the attackers traveled to Marneuli and demanded that the local police disperse the religious gathering. In August more than a dozen followers of Basilia assaulted two members of Jehovah's Witnesses. These two attacks followed a court decision on June 26 to revoke the registration of Jehovah's Witnesses in the country.

In early August, a prayer meeting of Jehovah's Witnesses was broken up by unidentified armed men. In Kutaisi, two traffic police officers stopped a member of Jehovah's Witnesses, tore up his religious literature, and beat him.

On August 16, a mob of 80 Orthodox extremists, wielding metal crosses and icons, disrupted a packed courtroom in Tbilisi after the testimony of an Orthodox woman accused of sharing in an earlier violent attack on Jehovah's Witnesses. The mob attacked journalists, lawyers, and members of Jehovah's Witnesses who were in the courtroom.

In October 1999, a Jehovah's Witnesses worship service in the Gldani section of Tbilisi with 120 parishioners was attacked violently by members of a religious sect led by the excommunicated priest Basil Mkalavishvili. The Gldani police refused to intervene. Sixteen persons were injured in the attack. President Shevardnadze, in a televised appearance, publicly criticized the attack and called for prosecution of the attackers. On December 25, 1999, the case was forwarded to the Gldani prosecutor's office for criminal charges. Despite appeals by the National Security Advisor for Human Rights, the Gldani regional prosecutor's office returned the case to the city prosecutor's office in January, stating that no violation had occurred. The group continues to press for prosecution of police in this and similar subsequent incidents (see Section 2.c.). The official in charge of the investigation decided instead in June to charge two of the plaintiffs, as well as two Basilists, with hooliganism. On August 16 and 17, at the first hearing of the trial in Gldani-Nadzaladevi court, Basilists attacked journalists, human rights advocates, and members of Jehovah's Witnesses. The police did not intervene and the Procuracy is conducting an investigation. The trial resumed without incident on September 18 and on September 28, the two Jehovah's Witnesses were found guilty and given suspended sentences. The two Basilists were not convicted and their cases were returned to the Procuracy for further investigation.

On August 26, a cross-erected at the Zedazeni Monastery by the international Georgian Youth Foundation to commemorate the war in Abkhazia was blown up. This apparently was due to the organizer's association with a religious group led by Boris Ivanov. On August 31 the patriarch of the Georgian Orthodox Church criticized the violence. On October 1, a meeting of Jehovah's Witnesses was disbanded by police in Tsageri, according to the group's public affairs office in Tbilisi.

National/Racial/Ethnic Minorities.—The Government generally respected the rights of members of ethnic minorities in nonconflict areas but limited selfgovernment and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). The Government reportedly provided less funding for schools in ethnic

Azeri and Armenian areas than in other parts of the country. School instruction in non-Georgian languages is permitted.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the 1997 Law on Trade Unions provide for the right of citizens to form and join trade unions. The Law on Collective Agreements was passed in 1997.

The principal trade union confederation is the Amalgamated Trade Unions of Georgia (ATUG). The ATUG is the successor to the official union that existed during the Soviet period. The union broke from the central Soviet labor confederation in 1989. Its present structure was established in 1992, after the union had resisted efforts first by the Gamsakhurdia Government and later by the State Council to bring the union under government control. The ATUG consists of 31 sectoral unions. Representatives to the ATUG congress elected its leadership indirectly for a period of 5 years in 1995; elections were held again in November.

The organization officially claims 600,000 members but acknowledges that the number of active, dues-paying members is lower. The union has no affiliation with the Government and receives no government funding (except for support to send 200 children each year to summer camp). The union sees its primary role as defending the economic and social interests of workers, a departure from its Soviet predecessor, which was essentially an administrative body concerned with property and finance rather than with worker rights. The ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers. These were mostly wildcat actions. In each case, the issue was unpaid wages. On December 23, 1999, the ATUG led a demonstration in front of the State Chancellery to demand that back wages and pensions be paid. The State Minister met with leaders and promised to meet with unions in January to resolve the problem; however, no meetings took place by year's end.

On January 31, 1999, President Shevardnadze signed a decree that ordered all governmental agencies to consult and negotiate with unions. During the year, the Health and Social Welfare Ministry took steps toward negotiating agreements with unions.

In 1998 the ATUG brought suit against the Ministry of Internal Affairs for illegally firing 220 employees in the MOI's visa office. The suit was to be decided on a case-by-case basis. To date several employees have been ordered reinstated, but the MOI has refused to do so.

There are two trade unions independent of the ATUG. The Free Trade Union of Teachers of Georgia "Solidarity" based in Kutaisi (FTUTGS) successfully struck for payment of teachers' back wages in 1999. The Independent Trade Union of Metropolitan Employees was formed in Tbilisi during the year.

On June 22, the police initially prevented a foreign official of a teachers' union, accompanied by representatives of the FTUTGS, from meeting with teachers in Bagdati, a town in the Imereti region. Local authorities allegedly told the minivan driver that his van would be confiscated if he were to transport the group to Bagdati. When the group entered Bagdati on foot, the local police chief and district administrator each claimed that the FTUTGS had no right to organize the meeting. Eventually, the foreign official was able to conduct a meeting, although members of the local ATUG teacher's union disrupted it.

There are no legal prohibitions against affiliation and participation in international organizations. The ATUG worked closely with the International Confederation of Free Trade Unions (ICFTU). In February a delegation from the ICFTU held a joint conference with International Labor Organization (ILO) and the ATUG in Tbilisi. During that time, the ICFTU reviewed the ATUG's application for membership in ICFTU and recommended admittance. The AFTUG became a full member of the ICFTU in November.

In December 1999, the ICFTU reported that the Ministry of Labor was abolished. There has not been an assessment on the impact of this action.

b. The Right to Organize and Bargain Collectively.—The Constitution and the Law on Trade Unions allow workers to organize and bargain collectively, and this right is respected in practice. The law prohibits discrimination by employers against union members. Employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages. The ATUG and its national unions report frequent cases of management warning staff not to organize trade unions. Some workers reportedly complained of being intimidated or threatened by employers for union organizing activity. These include teachers in the Imereti region; employees of various mining, winemaking, pipeline and port facilities; and the Tbilisi municipal government. Observers also claim that employers fail to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry

of Labor investigated some complaints but no action has been taken against companies that allegedly have violated workers' rights.

On August 22, the Free Trade Union of Teachers of Georgia "Solidarity" organized a demonstration in front of government offices in Kutaisi to demand payment of back wages to teachers in the Imereti region's school system. According to several school principals, the governor of the Imereti region told them that the FTUTGS was a "negative force" and should be resisted. Since then, a number of FTUTGS members allegedly were fired, regardless of seniority, when layoffs or staff reduction took place. According to a foreign union expert, the FTUTGS complained of increased pressure from the school authorities in the second half of the year, including principals instructing teachers not to join the union and actively preventing teachers from attending meetings.

In 1999 the FTUTGS conducted a number of successful actions for the payment of back wages in Kutaisi.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor and provides for sanctions against violators, and in general there were no reports of its use; however, trafficking in women for the purpose of prostitution is a problem (see Section 6.f.). The Government prohibits forced or bonded labor by children and enforced this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—According to current legislation, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Labor enforced these laws, and generally they were respected. The Government prohibits forced and bonded labor by children and enforced this prohibition effectively (see Section 6.c.). The Ministry of Health and Social Affairs enforces child labor laws.

e. Acceptable Conditions of Work.—The state minimum wage was raised in 1999 to \$10.80 (20 lari) a month. There is no state-mandated minimum wage for private sector workers. The minimum wage is not sufficient to provide a decent standard of living for a worker and family. In general salaries and pensions were insufficient to meet basic minimum needs for a worker and family. The state statistics department of Georgia estimates that over half the population lives at or below the poverty line. Average wages in private enterprises were \$75 to \$100 (150 to 200 lari) monthly; in state enterprises, \$15 to \$30 (30–60 lari).

The law provides for a 41-hour work week and for a weekly 24-hour rest period. The Government work week often was shortened during the winter due to the continuing energy crisis. The Labor Code permits higher wages for hazardous work and permits a worker to refuse duties that could endanger life without risking loss of employment.

The old Soviet labor code, with some amendments, is still in effect. A new labor code has not been adopted.

f. Trafficking in Persons.—There are no laws concerning trafficking in women, and it is a problem. Trafficking in women is not prosecuted as a separate offense under the criminal law; however, other offenses connected to trafficking can be found in the Constitution and different laws such as those on slavery, forced labor, and illegal detention.

Information on trafficking is difficult to obtain, and little, if any research is done on the subject. Anecdotal reports indicate that the country is both a source and transit country for trafficking; however, due to slow economic development, poverty, and unemployment, it is not a final destination for a significant number of trafficked women. Women are primarily trafficked to Turkey and Greece, where many work in the adult entertainment sector or as prostitutes, including those who thought that they would actually be employed as waitresses in bars and restaurants or domestic help. There is also evidence that Russian and Ukrainian women have been trafficked through the country to Turkey, sometimes using fraudulently obtained Georgian passports.

There is no evidence linking traffickers to government authorities. The absence of laws aimed specifically at trafficking, together with police indifference, make it difficult for the government to pursue criminal cases against suspected traffickers.

There are no government policies that deal with the problem of trafficking. There are now several NGO's in country that are involved in dealing with trafficking and its victims. During the year, the NGO Women Aid Georgia received international funding to launch a wide-scale public information drive to educate women about the dangers of trafficking.

GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy; citizens periodically choose their representatives in free and fair multiparty elections. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the first of two chambers of Parliament. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states represented in Parliament in the Bundesrat enjoy significant autonomy, especially as concerns law enforcement and the courts, education, the environment, and social assistance. The judiciary is independent.

Law enforcement is primarily a responsibility of state governments, and the police are organized at the state level. The jurisdiction of the Federal Criminal Office is limited to counterterrorism, international organized crime, especially narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general are well trained, disciplined, and mindful of citizens' rights, although there have been instances in which police committed human rights abuses.

A well-developed industrial economy provides citizens with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with cases of individual abuse. There were instances in which police were accused of human rights abuses, mostly against foreign residents and asylum seekers. Instances of societal violence and harassment directed at foreign residents continued as well, some resulting in deaths. After a 13.7 percent decline in rightwing-motivated crime in 1999, preliminary figures for the year suggest a significant increase in the number of such crimes. Moreover, the number of proven or suspected violent rightwing crimes (most of which resulted in bodily harm to the victim) during the year rose by more than 12 percent, from 746 to 840, continuing a trend found in 1999. The Government is taking serious steps to address the problem of violence against women and children. Women continue to face some wage discrimination in the private sector, as do members of minorities and foreigners. Trafficking in women and girls is a serious problem, with Germany being both a destination and a transit country. The Government has taken the lead in coordinating federal and state efforts to combat trafficking and aid its victims.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

In December 1999, suspected Red Army Faction member Andrea Klump was extradited from Austria to stand trial for her alleged role in various terrorist acts, including two murders, committed in the 1980's. Her trial began in November and continued at year's end. In 1999 Michael Steinau and Bernhard Falk, members of a leftwing terrorist organization, the Anti-Imperialist Cell (AIZ), were convicted on four charges of attempted murder and sentenced in connection with a series of bombing attacks in 1995. Steinau was sentenced to 9 years' imprisonment. Falk, who was sentenced to 13 years' imprisonment, appealed his sentence in May, and his case continued at year's end.

An investigation continued in the case of Aamir Ageeb, a Sudanese asylum seeker, who died in May 1999 during a deportation flight while in the custody of Federal Border Police. The Border Police apparently physically subdued the man during takeoff because he was resisting deportation violently, and they did not notice until Ageeb stopped struggling that he was not breathing. As a result of this incident, the Federal Interior Ministry has instituted new deportation procedures that prohibit methods that could hinder breathing.

The trial of four individuals accused of the 1986 bombing of the Berlin La Belle discotheque, which began in 1997, continued at year's end. The attack killed one Turkish and two U.S. citizens and injured 230 persons.

In January Johannes Weinrich, a German terrorist, was convicted of one count of murder and five counts of attempted murder in connection with a 1983 bomb attack on the French cultural center in what was then West Berlin. The trial of Hans-Joachim Klein began in October and continued at year's end. Klein was charged with three murders during the 1975 attack by left-wing terrorists on a convention of the Organization of Petroleum Exporting Countries (OPEC) in Vienna, Austria.

Violence by rightwing extremists against marginalized social groups, such as the homeless and foreigners, resulted in a number of deaths during the year. In June a Mozambican immigrant was beaten and kicked to death in Dessau by three right-

wing extremists who were caught, tried, and convicted; one was sentenced to life in prison and the two others were sentenced to 9 years' imprisonment each (see Section 5). Groups of rightwing extremists beat and kicked to death at least five homeless men during the year. In each case, police arrested the alleged perpetrators and they were charged with the crimes; several have been convicted and sentenced to prison terms.

On January 25, two rightwing extremists were sentenced in Lower-Saxony to 5 years' imprisonment in a youth detention center for their attack in August 1999 on a German man, who died the following day from his injuries. The 44-year-old victim had spoken critically about xenophobia to one of the perpetrators. The youths, who were drunk at the time, broke into the victim's apartment and kicked him and stabbed him with a broken glass.

The trial of 11 rightwing defendants accused of causing the 1999 death of an Algerian asylum seeker in Brandenburg ended in November with 8 defendants being convicted of negligent homicide and all 11 being found guilty of lesser crimes (see Section 5). Three of the convicted youths were sentenced to 2 to 3 years' detention in a youth facility, and the others received suspended sentences or warnings. The family of the victim filed an appeal demanding stiffer sentences, and 10 of the 11 youths appealed their convictions. The case continued at year's end.

As of October, seven cases remained before the courts concerning individuals involved in the shooting deaths of East Germans who attempted to flee to West Germany before the fall of the Berlin Wall. In July former East German defense minister Heinz Kessler was sentenced to 7-and-a-half years' imprisonment, while three other former Socialist Unity Party (SED) leaders were acquitted. In January the Federal Constitutional Court upheld the conviction of former East German Politburo member Egon Krenz, who had been sentenced to 6-and-a-half years' imprisonment for his role in East Germany's shoot-to-kill policy at the East-West border. Krenz began serving his sentence on January 13. His appeal to the European Court for Human Rights was heard in November, and a decision is expected in the spring of 2001. On September 6, Berlin's governing mayor pardoned Krenz's two codefendants, Guenter Schabowski and Guenther Kleiber, who each had received 3-year sentences; the men were released on October 2 in a gesture of reconciliation on the 10th anniversary of German reunification the following day.

The Government continued to cooperate in bringing war criminals from the former Yugoslavia to justice. In October, for example, the Government signed an agreement with the International War Crimes Tribunal for Yugoslavia to have a convicted Bosnian war criminal serve his 20-year sentence in a German prison.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the authorities generally respect these prohibitions. However, Amnesty International published a report in July 1999 that found that police treatment of foreigners in custody showed "a clear pattern of abuse." In September an Iranian family facing deportation claimed that police held the father's arms behind his back, pushed his head down and then held him on the ground in a manner that hindered his breathing. Two older children who tried to help were allegedly slapped. Border Police claim that the father and an older child were violently resisting deportation. Human rights and asylum-assistance organizations have called for an investigation.

The Government investigates abuses and prosecutes police who mistreat persons in custody. For example in July, authorities in Dessau initiated an investigation against three officers accused of mistreating a man from Burkina Faso who had been arrested for drug dealing. The accusations were found to be without merit. In July the Federal Court of Justice upheld the convictions of three police officers from Bernau, Brandenburg, for physically mistreating Vietnamese detainees in 11 cases in 1993 and 1994. Moreover, the Court ordered a lower court to consider stiffer penalties for the two officers originally sentenced to probation.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Basic Law prohibits arbitrary arrest and detention, and the Government observes this prohibition. A person can be arrested only on the basis of an arrest warrant issued by a competent judicial authority, unless the person is caught in the act of committing a crime, or the police have strong reason to believe that the person intends to commit a crime. Any person detained by police must be brought before a judge and charged within 24 hours of the arrest. The court then must issue an arrest warrant stating the grounds for detention or order the person's release.

Police often detain known or suspected rightwing and leftwing radicals for brief periods when they believe such individuals intend to participate in illegal or unau-

thorized demonstrations. For example, in August police in Thuringia took into temporary custody 53 persons who were suspected of heading for illegal rallies to mark the 13th anniversary of the death of Rudolf Hess (see Section 5). The rules governing this type of detention are different in each state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial apprehension.

If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. The right of free access to legal counsel has been restricted only in the cases of terrorists suspected of having used contacts with lawyers to continue terrorist activity while in prison. Only judges may decide on the validity of any deprivation of liberty. Bail exists but seldom is employed; the usual practice is to release detainees unless there is clear danger of flight outside the country. In these cases, a person may be detained for the course of the investigation and subsequent trial. Such decisions are subject to regular judicial review, and time spent in investigative custody applies toward the sentence. In cases of acquittal, the Government must compensate the individual.

The Government does not use forced exile, which is prohibited by the Basic Law. *e. Denial of Fair Public Trial.*—The Basic Law provides for an independent judiciary, and the Government respects this provision in practice.

The court system is highly developed and provides full legal protection and numerous possibilities for judicial review. Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition to the ordinary courts, there are four types of specialized courts: administrative, labor, social, and fiscal. These courts also have different levels, and appeals may be made to the next higher level.

Separate from these five types of courts is the Federal Constitutional Court, which is Germany's supreme court. Among other things, it reviews laws to ensure their compatibility with the Constitution and adjudicates disputes between different branches of government on questions of competencies. It also has jurisdiction to hear and decide claims based on the infringement of a person's basic constitutional rights by a public authority.

The judiciary provides citizens with a fair and efficient judicial process, although court proceedings are sometimes delayed due to ever increasing caseloads. For simple or less serious cases, the Government adopted a procedure allowing for an accelerated hearing and summary punishment at the local court level. The maximum sentence for such cases is limited to 1 year, and if a sentence of 6 months or more is expected, a defense counsel must be present.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, of Correspondence.—The Basic Law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

In October a Lower Saxony court ruled that a school district could not refuse to hire an Islamic teacher because she wished to wear a traditional headscarf in the classroom. The school district said it would appeal the decision. In 1998 a Muslim teacher sued the Stuttgart school district over its decision not to hire her because she wore a headscarf. Although a local administrative court dismissed her suit, she appealed the ruling and the case continued at year's end (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech—with some limits—and of the press, including academic freedom. Freedom of speech does not extend to the possession or distribution of the propaganda of proscribed organizations or to statements endorsing Nazism or denying the Holocaust, all of which are illegal.

The authorities seek to block what they consider dangerous material on the Internet. The 1997 Teleservices Law bans access to prohibited material (for example, child pornography and Nazi propaganda), and the Government has explored ways to expand cooperation in countering Internet crime. In June the Justice Ministry co-sponsored a major symposium on combating the spread of hate materials on the Internet, and it proposed voluntary measures for Internet service providers and companies doing online business, as well as improved international law enforcement cooperation. The Federal Criminal Office in February hosted a similar event, bringing service providers and domestic law enforcement officials together to discuss ways to enhance cooperation. German officials estimate that there are approxi-

mately 800 Internet sites with what they consider objectionable or dangerous right-wing extremist content.

In December the Federal Court of Justice ruled that German laws against Nazi incitement could apply to individuals who post Nazi material on Internet sites available to users in Germany, even if the site resides on a foreign server. The Court overturned a lower court decision that such material was not subject to criminal prosecution in the case of German-born Australian Holocaust revisionist Frederick Toben, who had, among other things, posted material denying the Holocaust on his Internet site. Previously in November 1999, Toben, had been sentenced to 10 months in prison (7 months already served were applied to that sentence) for denying the Holocaust and that Nazis killed millions of Jews. At that time, the lower court had ruled that Toben could not be prosecuted for Holocaust denial material he had posted on a website in Australia. He was released from a Mannheim prison after posting a bond. Toben is the director of the Adelaide Institute, which questions the reality and scope of the Holocaust.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government respects this right in practice. Permits must be obtained for open-air public rallies and marches. State and local officials have the authority to deny such permits when public safety concerns arise or when outlawed organizations attempt to hold public assemblies. For example, rallies and marches by neo-Nazis and rightwing radicals commemorating the death of Nazi official Rudolf Hess are banned routinely.

The law provides for freedom of association, and the Government respects this right in practice. The Basic Law permits the banning of organizations whose activities are found to be illegal or opposed to the liberal democratic order as established by the Basic Law. The Federal Constitutional Court is the only body that can outlaw political parties; under this provision, the Court in the 1950's banned a neo-Nazi and a Communist party. Federal or state governments may ban other organizations, and legal recourse against such decisions is available. Such banned organizations include a number of groups that authorities generally classify as rightwing or leftwing, foreign extremist, or criminal in nature. In addition several hundred organizations were under observation by the Federal and state Offices for the Protection of the Constitution (OPC). The OPC's are charged with examining possible threats to the democratic system; they have no law enforcement powers, and OPC monitoring by law may not interfere with the organizations' continued activities. In observing an organization, OPC officials seek to collect information, mostly from written materials and first-hand accounts, to assess whether a threat exists. More intrusive methods would be subject to legal checks and require evidence of involvement in treason or terrorist activities.

In August the Government established a commission of experts to examine whether evidence against the rightwing extremist National Democratic Party (NPD) would meet the threshold to support a legal ban, which was widely demanded after a surge of rightwing extremist activity in the summer months. Based on the commission's recommendations, in November the Government agreed to petition the Federal Constitutional Court to ban the NPD. Although the Bundestag and Bundesrat formally supported this decision, the Government had not yet submitted the petition to the Court at year's end. On September 14, the Federal Interior Minister banned the rightwing extremist skinhead organization "Blood and Honor" and its youth organization, "White Youth," citing the groups' rejection of the constitutional order as a justification. While the ban (the first issued by the Federal Government since 1995) allows the Government to seize the groups' assets, members are free to reconstitute themselves under a new name.

c. Freedom of Religion.—The Basic Law provides for religious freedom, and the Government generally respects this right in practice. Most religious organizations enjoy tax-exempt status, a designation that requires them to operate on a nonprofit basis and contribute socially, spiritually, or materially to society.

Church and state are separate, although historically a special relationship exists between the State and those religious communities that have the status of a "corporation under public law." Religions enjoying this status may request that the Government collect church membership taxes on their behalf. However, not all religious groups take advantage of this privilege, since the Government charges an administrative fee for doing so. State governments subsidize various institutions affiliated with public law corporations, such as church-run schools and hospitals. State subsidies also are provided to some religious organizations for historical and cultural reasons. Many religions and denominations have been granted public law corporation status; among them are the Lutheran and Catholic Churches, Judaism, the Church of Jesus Christ of Latter-Day Saints, Seventh-Day Adventists, Mennonites,

Baptists, Methodists, Christian Scientists, and the Salvation Army. Applications from several Islamic groups are pending in various states.

In December the Federal Constitutional Court overturned a lower court's ruling that denied Jehovah's Witnesses public law corporation status and remanded the case back to the lower court. The case stemmed from an April 1993 decision of the Berlin state government that denied the church public law corporation status, a decision upheld in 1997 by the Federal Administrative Court. The Administrative Court concluded that the group did not offer the "indispensable loyalty" towards the democratic state "essential for lasting cooperation" because, for example, it forbade its members from voting in public elections. In overturning this decision, the Constitutional Court ruled that forbidding church members to vote or to perform military service were not sufficient justifications for withholding from the church public law corporation status. The Court added that the judiciary should not evaluate the compatibility of church doctrine with the democratic order, but only judge such cases on the actual behavior of the church and its members. Although the Court found that Jehovah's Witnesses in Germany follow the rule of law and demonstrate no intent to overthrow the government or political system, it did not grant them public law corporation status. It instead returned the case to the lower court with instructions to examine whether the Jehovah's Witnesses use coercive methods to oppose their members leaving the congregation and whether their child-rearing practices conform to German human rights standards. The case continued at year's end.

With an estimated 3 million adherents, Islam is the third most commonly practiced religion in Germany (after Catholicism and Lutheranism). All branches of Islam are represented in the country, with the vast majority of Muslims in Germany coming from a large number of other countries. This has, at times, led to societal discord, such as local resistance to the construction of mosques or disagreements over whether Muslims can use loudspeakers in residential neighborhoods to call the faithful to prayer. There also remain areas where German law conflicts with Islamic practices or raises religious freedom issues. In November the Government published a comprehensive, 93-page report on "Islam in Germany" which examined these issues in response to an inquiry from the Bundestag.

In October the Lueneburg administrative court ruled that the state education ministry must employ a teacher who was barred in 1999 from wearing a headscarf in the classroom. The Lower Saxony education ministry had refused to employ the Muslim woman after she completed her training because state officials took the position that allowing a teacher to wear a headscarf on the job would violate the religious and political neutrality legally required of all civil servants, including teachers. (Members of Christian religious orders are similarly not allowed to wear their habits while teaching at public schools, although habits are permitted in denominational schools.) The state has vowed to appeal the ruling and has said it will not hire the woman until it has exhausted its legal options. In March the Stuttgart administrative court dismissed a similar suit filed by a Muslim woman who was denied a teaching position in Baden-Wuerttemberg. The state minister of education supported the school district's decision not to hire the woman because the Ministry argued the headscarf was a political symbol of female submission rather than a religious practice prescribed by Islam. The woman appealed the ruling, and the case was pending at year's end. In the meantime she accepted a teaching position at a public school for Muslims in Berlin, where she is allowed to wear a headscarf. Muslim students generally are free to wear headscarves to school (see Section 1.f.).

The right of Muslims to ritually slaughter animals was the subject of two court cases during the year. In November the Federal Administrative Court ruled that the Islamic Community of Hesse was not a religious community as provided for in Germany's animal protection laws and could not, therefore, receive a waiver to laws requiring an animal to be stunned before slaughter. The Court did not rule on whether Islam prescribes the exclusive consumption of ritually-slaughtered meat, noting that such decisions were beyond the scope of the courts. A similar case was heard by the Federal Constitutional Court and a decision was pending at year's end.

Most public schools offer religious instruction in cooperation with the Protestant and Catholic churches and will offer instruction in Judaism if enough students express interest. A nonreligious ethics course or study hall generally is available for students not wishing to participate in religious instruction. The issue of Islamic education in public schools is becoming increasingly topical in several states. In February the Federal Administrative Court upheld previous court rulings that the Islamic Federation qualified as a religious community and thus must be given the opportunity to provide religious instruction in Berlin schools. The decision drew criticism from the many Islamic organizations not represented by the Islamic Federation. The Berlin state government has expressed its concerns about the Islamic Fed-

eration's alleged links to Milli Gorus, a Turkish group classified as extremist by the Federal OPC. In November Bavaria announced that it would offer German-language Islamic education in its public schools starting in 2003.

Several states have published pamphlets, which are provided to the public free of charge, detailing the beliefs and practices of non-mainstream religions. Many of the pamphlets are factual, but the inclusion of some religious groups in publications covering known dangerous cults or movements may harm their reputations. For example publications from the Hamburg state government and state-run youth welfare offices in Lower Saxony, Thuringia, and Schleswig-Holstein, describe theologically conservative or minority Christian groups and imply that they can be harmful to their adherents. Scientology is the focus of many such pamphlets, some of which warn of alleged dangers posed by Scientology to existing political and economic structures and to the mental and financial well-being of individuals. For example, the Hamburg OPC publishes "The Intelligence Service of the Scientology Organization," which claims that Scientology tries to infiltrate governments, offices, and companies, and that the church spies on its opponents, defames them, and "destroys" them.

The Church of Scientology, which operates 18 churches and missions, remained under scrutiny by both federal and state officials who contend that its ideology is opposed to democracy and that it is not a religion but an economic enterprise. Since 1997 Scientology has been under observation by the Federal and state OPC's, except in Schleswig-Holstein where the state constitution does not permit such observation (see Section 2.b.). Observation is not an investigation into criminal wrongdoing, and the Government has filed no criminal charges against Scientology since observation began. However, in April the Federal OPC concluded in its 250-page annual report for 1999 that the reasons for initiating observation of Scientology in 1997 still were valid. The six pages in the report covering Scientology described those aspects of the organization's beliefs that were deemed undemocratic, quoting from the writings of Scientology founder L. Ron Hubbard and Scientology-published pamphlets and books. In 1998 the Church of Scientology filed a suit in a Berlin state court to enjoin the Berlin interior ministry, under whose authority the OPC falls, from further observation of the organization and its members. The case was pending at year's end.

Scientologists continued to report discrimination because of their beliefs. A number of state and local offices share information on individuals known to be Scientologists. The Federal Government uses its "Defense Clause" (commonly referred to as a "sect filter") for procurement involving some training and consulting contracts, specifically those that may provide opportunities for mental manipulation or behavior modification. The sect filter requires a bidder to declare that the firm rejects and will not employ the "technology of L. Ron Hubbard" within the framework of the contract, and that the firm does not require or permit employees to attend courses and seminars conducted via this "technology" as part of its business function. Some state and local agencies, businesses (including several major international corporations), and other organizations require job applicants and bidders on contracts to sign similar "sect filters." The Federal Property Office has in several cases barred the sale of real estate to Scientologists, nothing that the Finance Ministry has urged that such sales be avoided, if possible.

At the state and local level, some governments also screen companies bidding on contracts for training and the handling and processing of personal data, and in April the Hamburg administrative court dismissed the suit of two Scientology members against the city-state for its use of "sect filters." In the state of Bavaria, applicants for state civil service positions must complete questionnaires detailing any relationship that they may have with Scientology; the form specifically states that employment will not be considered if the form is not completed. Moreover Bavaria has identified some state employees as Scientologists, sometimes years after they were first employed, and has required them to complete the questionnaire. Some of these employees have refused and two of them have filed suit in Bavarian courts. In October the Munich labor court ruled that the state cannot require employees to complete the questionnaire in the absence of evidence that the employee is involved in anticonstitutional behavior. The court further stated that even if the Scientology Church were to be found to be anticonstitutional, an individual's mere membership in the organization could not justify the Government delving into that person's private life in the absence of illegal behavior on his or her part.

The interministerial group of mid-level federal and state officials that exchanges information on Scientology continued its periodic meetings. The group published no report or policy compendium during the year and remained purely consultative in purpose.

In December the Federal Social Court in Kassel upheld a lower court's ruling that membership in the Church of Scientology was not, in and of itself, reason to deny

a person a professional license. In 1999 the State Social Court of Appeals in Rhineland-Palatinate ruled that the Federal Labor Office had in 1994 incorrectly refused to renew a Scientologist's license to run her au pair agency based solely on her Scientology membership. The case was remanded to the state court to clarify whether the specific individual's membership in the Church of Scientology has any bearing on her reliability as an au pair agent. The case continued at year's end.

Some private sector entities have followed the governments' example in using "sect filters," often using them for a much broader range of contracts. On at least one occasion a foreign firm wishing to do business in the country was asked to declare any affiliation that it or its employees might have with Scientology. Private firms that screen for Scientology affiliations frequently cite OPC observation of Scientology as a justification for discrimination and have on occasion quoted advice they say they have received from state or local government officials as to the legality of the "sect filter."

Late in 1999, allegations that Microsoft's Windows 2000 contained a "Trojan Horse" or "back door" that would permit the Church of Scientology to obtain information from an unsuspecting user's system surfaced in the technology trade press. These allegations arose after Hamburg's sect commissioner expressed public concern about the software because a firm whose chief executive officer is a Scientologist developed a disk defragmenting component for Windows 2000. Critics claimed—with no proof—that the defragmenter would secretly send personal data from individual computers to Scientology offices. Microsoft yielded to German pressure and allowed the German Federal Office for Security in Information Technology (BSI) to investigate the software. BSI conducted various tests but failed to find any evidence of or anything that in any way validated the concerns regarding the existence of a "Trojan Horse" or "back door." Nevertheless in December Microsoft published instructions on how to remove the disk defragmenter from Windows 2000 as an alternative to further testing by BSI.

In February the German branch of Amway Limited dismissed 10 distributors because of their admitted association with Scientology, which the company claimed could damage the company's image. Parent company representatives claimed that the distributors refused to comply with the firm's prohibition against proselytizing in connection with their Amway activities, a policy that applies to all religious beliefs, and that other known Scientologists continue to work for the company. In at least one case, a major bank unilaterally closed the accounts of a law firm that had represented the Scientology Church.

Scientologists have taken their grievances to the courts, with mixed results. Some individuals who had been fired because they were Scientologists sued their employers for "unfair dismissal." Several have reached out-of-court settlements with employers. For example in March, a woman who had been summarily dismissed from her position in the bond department of a bank because of her association with Scientology received \$27,300 (DM 60,000) under a settlement with her former employer.

Major political parties continued to exclude Scientologists from membership, arguing that Scientology is not a religion but a for-profit organization whose goals and principles are antidemocratic and thus incompatible with those of the political parties. However, there has been only one known enforcement of this ban. A Bonn court upheld the practice in 1997, ruling that a political party had the right to exclude from its organization those persons who do not identify themselves with the party's basic goals.

Public exhibitions by Scientologists in a number of cities to explain themselves to citizens encountered difficulties. In April the Visitor's Bureau of the Federal Press and Information Office intervened with a Berlin hotel, forcing the hotel to cancel Scientology's reservations for rooms for an exhibit titled "What is Scientology?" The hotel claimed that the Visitors' Bureau threatened to cancel several hundred thousand dollars worth of reservations if Scientology were allowed to exhibit in the hotel. Scientology was able to rent space elsewhere but incurred substantial extra expenses related to the last minute move of the exhibit. In Frankfurt a late February Scientology exhibit in the cafe of a well-known, city-owned museum sparked significant criticism, with city officials speaking out openly against Scientology and the exhibit. However, Scientology's recently established information office in Frankfurt has generated little or no public controversy. A Scientology exhibit at the Leipzig book fair in March provoked complaints about what some visitors considered aggressive marketing tactics, and fair authorities were reviewing whether to allow the exhibitors to return next year. In April Scientology was able to rent the public congress center in Hanover for a 2-day exhibition, after a hotel cancelled its reservation when it learned that Scientology had made the booking.

There were no new attempts to deregister Scientology organizations previously registered as non-profit organizations, but the judgments in two such earlier cases

were appealed during the year. The government of Baden-Wuerttemberg appealed a decision by the Stuttgart Administrative Court, which ruled that a Scientology organization could not be deregistered as a nonprofit organization because its activities were used to accomplish its ideological purposes. The case was pending at year's end. The Celebrity Center Munich, a Scientology-affiliated organization that was stripped of its status as a nonprofit organization in 1995, has appealed a 1999 upper court ruling upholding that decision. The case was pending at year's end.

The Government continued its policy of not engaging in dialogue with the Church of Scientology this year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Basic Law and subsequent legislation provide for the right of foreign victims of persecution to attain asylum and resettlement in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Both the Federal Government and state governments cooperate with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, although immigration matters are primarily a state-level responsibility.

For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. On January 1, a new law came into effect that grants citizenship to children born to legal foreign residents. Individuals can retain both German citizenship and that of their parents until the age of 23, when they must choose one or the other. The law also decreased the period of residence in the country required for legal foreign residents to earn the right to naturalization from 15 to 8 years.

The Basic Law and subsequent legislation provide for the right of foreign victims of persecution to attain asylum and resettlement. Criteria for granting asylum were tightened by several provisions enacted in 1993. Individuals attempting to enter via a "safe third country" (any country in the European Union or adhering to the Geneva Convention on Refugees) are ineligible for asylum and can be turned back at the border or returned to that "safe third country" if they manage to enter Germany. Persons coming directly from any country which officials designate as a "safe country of origin" normally cannot claim asylum in Germany, and individuals whose applications are rejected on these grounds have up to 2 weeks to appeal the decision, a time period critics consider too brief. Individuals who arrive at an international airport and who are deemed to have come from a "safe country of origin" can be detained at an airport holding facility. In these cases, the Federal Office for the Recognition of Foreign Refugees must make a decision on an asylum application within 48 hours or allow the person to enter the country. The person may appeal a negative decision to an administrative court within 3 days, and the court must rule within 14 days or allow the individual to enter the country. Although stays in the airport facility thus are supposed to be limited to a maximum of 19 days, applicants whose claims were rejected, but who could not be immediately deported have been held at the airport for months, a practice criticized by refugee assistance groups and human rights advocates (see Section 1.c.). However, the Constitutional Court upheld the constitutionality of the amendments in 1996.

Applicants who enter Germany and are denied asylum at their original administrative hearing may challenge the decision in court, and 80 percent of applicants denied asylum do so. Approximately 3 to 4 percent of such rejections are overturned. The rejected applicant is allowed to remain in country during the course of the appeal, which usually takes at least a year and sometimes significantly longer. In October the Government announced changes to the regulations governing asylum seekers and employment. Starting January 1, 2001, applicants for asylum and civil war refugees will be allowed to work after a 1-year waiting period. The Government estimates that approximately 75,000 foreigners will be entitled to work under the new rules. Some foreigners whose asylum applications were rejected, but who would be endangered if they were sent back to their home country, such as those fleeing civil wars, receive temporary residence permits—the so-called small asylum. However, they are expected to leave when conditions in their home country allow for their safe return. The vast majority of the approximately 345,000 Bosnians and the approximately 200,000 Kosovars whom Germany admitted during the conflict in the former Yugoslavia fall into this category. Once their residence permits expire, these people can be deported. Individuals who fail to cooperate during the deportation process or who are deemed liable to flee to avoid deportation can be held in predeportation detention, with the average detention period lasting 5 to 6 weeks.

Refugee assistance organizations have expressed concern about how certain provisions related to the right of asylum have been interpreted by the courts, notably the practice of excluding "quasi-governmental" persecution as a basis for granting asy-

lum. In August the Federal Constitutional Court ruled that lower courts had erred in denying asylum to three Afghan applicants because their persecutors were not a state government but members of a Mujahidin group (defined as a "quasi-governmental entity"). The case was remanded back to the lower court with instructions to reconsider the issue of quasi-governmental persecution, and a decision was pending at year's end. In response to the Constitutional Court ruling, the federal Office for the Recognition of Foreign Refugees has postponed making decisions in all current asylum cases involving quasi-governmental persecution until the lower court reissues its ruling.

During the year, 78,564 persons applied for asylum, an almost 17.4 percent decrease over the same period in 1999 and the lowest level since the amendment of the asylum law in 1993, when the criteria for granting asylum were tightened. The approval rate for first-time applicants was around 3 percent, and an additional 7.9 percent of rejected applicants received temporary protection from deportation.

State authorities, working in close cooperation with the International Organization for Migration (IOM), the UNHCR, and other domestic nongovernmental organizations (NGO's), continued to repatriate Bosnian refugees, unless they qualified for an extension of stay on certain humanitarian grounds. According to unofficial estimates, approximately 25,000 Bosnian refugees remained in country at year's end. Among those were up to 15,000 who were considered traumatized or were with family members who were deemed too traumatized to return to Bosnia. In November the Federal and state interior ministers decided at their annual meeting to grant severely traumatized Bosnians and their family members, including unmarried adult children, temporary residence permits for the duration of their medical treatment. In addition some older Bosnian refugees, as well as some categories of Kosovars (such as orphaned children, ethnically mixed couples from areas with no minority protection, and war crimes tribunal witnesses) will be allowed to stay in the country.

The Government continued to support voluntary return programs for refugees from the former Yugoslavia, providing financial incentives of between \$765 and \$2,250 (DM 1,350 to DM 4,500) to help cover travel and resettlement costs; many states provided additional resettlement funds. The Government repatriated approximately 48,000 Kosovars under such voluntary programs through December. However, failure to accept voluntary repatriation subjects these refugees to the threat of deportation, and forces them to leave their personal property behind and excludes them from reentering the country for a 5-year period.

The right of most Kosovar refugees to stay in the country expired in the spring, and most states began regular deportations in March. By the end of the year, 6,800 Kosovar refugees had been deported, among them approximately 1,300 ex-offenders. Some national officials, the UNHCR, and domestic refugee support organizations have cautioned that the refugees' place of origin and ethnicity should be given careful consideration in the implementation of Kosovar returns.

An investigation is ongoing into the 1999 death of a Sudanese asylum seeker who died during a deportation flight while in the custody of the Federal Border Police (see Section 1.a).

In June the Federal Government appointed a commission of experts to examine every aspect of immigration and to propose administrative or legislative changes if deemed necessary. The commission held its first meeting in September and is expected to present its recommendations in mid-2001.

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

The Basic Law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections. Members of Parliament's first chamber, the Bundestag, are elected from a mixture of direct-constituency and party-list candidates on the basis of universal suffrage and secret balloting. The second chamber, the Bundesrat, is composed of delegations from state governments.

Women are somewhat underrepresented in government and politics, although the law entitles them to participate fully in political life, and a growing number are prominent in the Government and the parties. Slightly under 31 percent of the members of the Bundestag are female. Women occupy 6 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges are women, including the Chief Justice. Three of the parties represented in the Bundestag are headed by women: the Christian Democratic Union, the Greens/Alliance 90 (co-chaired by a woman and a man), and the Party of Democratic Socialism. All of the parties have undertaken to enlist more women. The Greens/Alliance 90 Party requires that women constitute half of the party's elected officials; and 57.5 percent of the Party's

federal parliamentary caucus members are women. The Social Democrats had a 40-percent quota for women on all party committees and governing bodies and met that goal. The Christian Democrats required that 30 percent of the first ballot candidates for party positions be women, a goal which it met.

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

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

In December the Bundestag voted to create the National Institute for Human Rights, an autonomous foundation whose function will be to monitor human rights both domestically and abroad and to promote education and scientific research in the field.

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

The law prohibits denial of access to housing, health care, or education on the basis of race, religion, disability, sex, ethnic background, political opinion, or citizenship. The Government enforces the law effectively.

Women.—While violence against women is a problem and almost certainly is underreported, it is prohibited by laws that are enforced effectively. The Government has implemented a vast array of legal and social structures to combat it. Societal attitudes toward such violence are strongly negative, and legal and medical recourse is available. Police statistics on rape, including attempted rape and spousal rape, showed a 4.4 percent decrease from 7,914 cases in 1998 to 7,565 cases in 1999.

The Government conducted campaigns in the schools and through church groups to bring public attention to the existence of such violence and proposed steps to counter it. The Federal Government has supported numerous pilot projects throughout the country. For example there are 435 “women’s houses”, including 115 in the eastern states (excluding Berlin), where victims of violence and their children can seek shelter, counseling, and legal and police protection.

Trafficking in women and forced prostitution also are illegal; however, trafficking in women and girls is a serious problem (see Section 6.f.). In recent years, the Federal Ministry for Women and Youth has commissioned a number of studies to gain information on violence against women, sexual harassment, and other matters.

Union contracts typically identify categories of employment in which participants are to be paid less than 100 percent of the wage of a skilled laborer covered by the same contract. Women are represented disproportionately in these lower-wage scale occupations.

In January the European Court of Justice ruled that Germany’s prohibition on women in combat roles in the armed forces violated European Union directives against discrimination based on gender. The Government accepted the ruling and in December completed the process of amending the Constitution to open all military jobs to women on a voluntary basis. The first group of 244 women are scheduled to report for duty on January 2, 2001.

The Government continued to implement its multiyear action plan, “Women and Occupation,” adopted in 1999. The program promotes the equality of women and men in the workforce, including increased vocational training for women, greater representation of women in political advisory councils, and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women. The Federal Ministry for Families, the Elderly, Women, and Youth also announced a multiyear initiative designed to increase the number of girls who receive training in information technology (IT) and in media careers, with the goal of raising the number of IT-training slots to 60,000 by 2003 and the share of female IT-trainees to 40 percent by 2005.

Children.—The Government demonstrates its strong commitment to children’s rights and welfare through its well-funded systems of public education and medical care. Public education is provided and is mandatory through the age of 16.

The Government recognizes that violence against children is a problem requiring its attention. Police figures recorded 15,279 cases of sexual abuse of children in 1999, a 7.9 percent decrease from 16,596 in 1998. Officials believe that the number of unreported cases may be much higher. The 1990 Child and Youth Protection Law stresses the need for preventive measures, and the Government has taken account of this in stepping up its counseling and other assistance.

The Criminal Code was amended in 1993 and in 1997 to further provide for the protection of children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year’s imprisonment; the sentence for dis-

tribution is 5 years. The 1993 amendment makes the sexual abuse of children by German citizens abroad punishable even if the action is not illegal in the child's own country.

Trafficking in girls is a serious problem (See Section 6.f.).

People with Disabilities.—There is no discrimination against the disabled in employment, education, or in the provision of other state services. The law mandates several special services for disabled persons, and the Government enforces these provisions in practice. The disabled are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offers vocational training and grants for employers who hire the disabled. The severely disabled may be granted special benefits, such as tax relief, free public transport, special parking facilities, and exemption from radio and television fees.

The Federal Government set guidelines for the attainment of "barrier-free" public buildings and for modifications of streets and pedestrian traffic walks to accommodate the disabled. All 16 states have incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings follow the guidelines for a "barrier-free environment."

Religious Minorities.—The number of crimes classified by the authorities as anti-Semitic fell in 1999 to 871, a 17.5 percent decrease from 991 in 1998. In the first 6 months of the year, anti-Semitic crimes rose 3.3 percent over the same period in 1999, from 287 to 297. These incidents included 7 cases of bodily injury, one case of arson, 14 cases of desecration of graves, and 254 "other" crimes that include the distribution of anti-Semitic materials or the display of symbols of banned organizations. For example, in March the police arrested eight youths for allegedly painting anti-Semitic slogans, swastikas, and other symbols on tombstones in a Jewish cemetery in Guben, Brandenburg. The overwhelming majority of the perpetrators of anti-Semitic acts were frustrated, largely apolitical youths and a small core of rightwing extremists.

On April 20, a firebomb was thrown at a synagogue in Erfurt, Thuringia. Neighbors discovered and extinguished the fire before the building was damaged seriously. Two teenagers were arrested and convicted. The first was sentenced to 3 years' imprisonment and the second to 2 years and 2 months. On October 2, a Dusseldorf synagogue sustained minor damage after being firebombed. In December police arrested two men of Arab origin in connection with the crime.

In June four rightwing youths threw a brick through the window of an Islamic prayer house in Gera, Thuringia. No one was injured during the attack, and the youths were arrested and charged shortly thereafter.

In the July U.S.-German Agreement on the establishment of the German foundation, "Remembrance, Responsibility and Future," Germany agreed to ensure that all Holocaust era insurance claims made against German insurance companies that come within the scope of the International Commission on Holocaust Era Insurance Claims (ICHEIC) handling procedures are processed by the companies and the German Insurance Association on the basis of these procedures.

Scientists continued to report instances of societal discrimination (see Section 2.c.). There was no progress during the year in the investigation of the 1998 bombing of the grave of Heinz Galinski, chairman of the Central Council of Jews in Germany until his death in 1992.

National/Racial/Ethnic Minorities.—Preliminary Federal Criminal Office statistics for the year show a 39 percent increase in the overall number of proven or suspected rightwing crimes compared with 1999, from 10,037 to approximately 14,000, reversing the past several years' downward trend. Moreover the number of violent rightwing crimes (including murder, attempted murder, and attacks that result in bodily injury, arson and bombings) rose more than 12 percent, from 746 in 1999 to 840 during the year, including the beating deaths of at least five homeless men (See Section 1.a.). In 1999 the number of violent rightwing crimes rose 5.4 percent.

The Federal Office for the Protection of the Constitution (OPC) reported that 51,400 persons were active in rightwing circles in 1999, a decrease of 4 percent from 53,600 in 1998. They included 37,000 members of rightwing political parties, 2,200 neo-Nazis, 4,200 members of other rightwing groups, and some 9,000 violence-prone individuals (an almost 10 percent increase from 8,200 in 1998). Perpetrators of rightwing extremist violence were predominantly young, male, and low in socioeconomic status; they often committed such acts spontaneously and while inebriated. Most of the violent individuals (85 percent of whom are "skinheads") could best be described as rightwing-oriented, having loose, if any, practical or ideological ties to organized extremist groups. As in previous years, the percentage of crimes with proven or suspected rightwing background was disproportionately high in the east; the Federal OPC reported that more than half of rightwing "skinheads" live

in the east, an area with only 21 percent of the population. In addition to these rightwing extremists, the Federal OPC estimates that there are some 7,000 violence-prone leftwing extremists, whose primary targets are their rightwing counterparts.

On June 11, Alberto Adriano, a Mozambican immigrant, was beaten to death by three rightwing extremists as he walked home through a park at night in Dessau, Saxony-Anhalt. Three perpetrators were convicted; a 24-year-old defendant was sentenced to life in prison, while two 16-year-old accomplices were sentenced to 9 years in a youth facility. The 24-year-old and one of the juveniles have appealed their sentences, and the case continued at year's end.

On July 16, three Kosovar Albanian children were injured when a firebomb was thrown through the window of the shelter for asylum seekers where they were staying in Ludwigshafen, Rhineland-Palatinate. Police arrested four skinheads 4 days later, and they were charged with the crime.

The Federal Government and state governments remain firmly committed to combating and preventing rightwing violence. The Chancellor and leaders of all political parties publicly denounced rightwing violence after a surge of such activity in the summer months. In August and in November, Federal and state interior ministers agreed on a slate of measures to combat extremist violence, which includes increased physical protection of Jewish and other potential targets, the creation of a national register of violent rightwing extremists, stepped up patrolling or video monitoring by the border police in transit stations, and the prosecution of illegal rightwing content on the Internet. The Federal Border Police established a hotline for concerned citizens to report rightwing crimes. The Government also announced that it would use \$34 million (DM 75,000,000) from the European Union Social Fund for antirightwing initiatives, to be cofinanced by the states or communities wishing to apply for project funds. In addition a number of state and local governments initiated programs to crack down on rightwing extremist activities and to engage young people considered most "at risk" for rightwing behavior.

On August 2, a bomb at a Dusseldorf train station injured 10 recent Russian immigrants, among them 6 Jews. Because the group followed the same route each day, police have not ruled out that they were the specific targets of a xenophobic or anti-Semitic attack. No arrests have been made in the case.

Isolated attacks targeting Turkish establishments and individuals occurred. Although some attacks were linked to rightwing perpetrators, many were attributed to intra-Turkish political or private disputes. None was directly attributable to the Kurdistan Workers' Party (PKK), a banned organization. In August a 43-year-old Kurd was arrested and indicted for his alleged actions as a PKK functionary, including his order for Kurdish demonstrators to occupy foreign embassies and consulates in Germany after the 1999 arrest and return to Turkey of PKK leader Abdullah Ocalan.

The trial of 11 rightwing extremists charged with the February 1999 death of Algerian asylum seeker Farid Guendoul in Brandenburg ended in November with the convictions of 8 defendants on charges of negligent homicide and of all 11 for lesser charges. The suspects were found guilty of having caused Guendoul's death when they failed to assist him after he threw himself through a glass door to escape the skinheads, who were chasing him and yelling, "Foreigners out!" Guendoul bled to death. Of the 11 persons convicted, 10 have appealed their convictions, while Guendoul's family appealed what they consider the too-lenient sentences: 3 youths were sentenced to 2 to 3 years' term in a youth facility while the others received suspended sentences or warnings. Since its dedication, a memorial to Guendoul has been desecrated a number of times by suspected rightwing extremists.

Since 1997 the Government has taken steps to protect and foster the languages and cultures of national and ethnic minorities that traditionally have lived in the country (e.g., Sorbs, Danes, Roma, Sinti, and Frisians). Although the Government has recognized the Sinti and Roma as an official "national minority" since 1995, the Federal and state interior ministries have resisted including Romani among the languages to be protected under relevant European statutes. Critics contend that the Sinti/Romani minority is the only official national minority that does not have unique legal protection, political privilege, or reserved representation in certain public institutions.

There were no reports of violent anti-Roma or Sinti incidents, similar to the 1998 desecration of a Magdeburg memorial to Roma and Sinti murdered during the Nazi era.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affects foreigners disproportionately, although this is sometimes due in part to inadequate language skills or nontransferable professional qualifications of the job seekers. The Federal

Government and all states have established permanent commissions to assist foreigners in their dealings with government and society.

On January 1, a new citizenship law came into effect that allows children born to legal foreign residents to become citizens (see Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—The right to associate freely, choose representatives, determine programs and policies to represent workers' interests, and publicize views is recognized by the Basic Law and freely exercised. About 29 percent of the total eligible labor force belongs to unions. The German Trade Union Federation (DGB) represents about 82 percent of organized workers.

The Basic Law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive positions, such as members of the armed forces. In the past, the International Labor Organization (ILO) has criticized the Government's definition of "essential services" as overly broad. The ILO was responding to complaints about sanctions imposed on teachers who struck in the state of Hesse in 1989 and, earlier, the replacement of striking postal workers by civil servants. In neither case did permanent job loss result. The ILO continues to seek clarifications from the Government on policies and laws governing the labor rights of civil servants.

Compared with previous years, strike activity declined further in 1999. According to preliminary data for 1999, only 2,000 workers participated in strikes, and only 13,000 work days were lost. There were no notable strikes during the year.

The German Trade Union Federation (DGB) participates in various international and European trade union organizations.

b. The Right to Organize and Bargain Collectively.—The Basic Law provides for the right to organize and bargain collectively, and this right is widely exercised. Due to a well-developed system of autonomous contract negotiations, mediation is used infrequently. Basic wages and working conditions are negotiated at the industry level. However, some firms in the eastern part of the country have refused to join employer associations or have withdrawn from them and then bargained independently with workers. Likewise, some firms in the west withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities in the industrywide, multicompany negotiating system. However, they have not refused to bargain as individual enterprises. The law mandates a system of "works councils" and worker membership on supervisory boards, and thus workers participate in the management of the enterprises in which they work. The law thoroughly protects workers against antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Basic Law prohibits forced or compulsory labor, including forced or bonded child labor, and there were no reports that it occurred, apart from trafficking in women and forced prostitution (see Section 6.f.).

In July agreement was reached among seven nations, German companies, and victims' representatives on the establishment of a German foundation which will distribute funds for payments to private and public sector Nazi era forced/slave laborers and others who suffered at the hands of German companies during the Nazi era. Germany and German companies will each contribute \$2.3 billion (DM 5 billion) to the foundation, which is established under German law. The foundation concluded agreements with partner organizations that are to receive foundation funds in order to process and pay claims according to agreed procedures and be subject to audit. Payments are expected to commence in 2001.

d. Status of Child Labor Practices and Minimum Age for Employment.—Federal law generally prohibits the employment of children under the age of 15, with a few exceptions: those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforces the law through its Factory Inspection Bureau.

e. Acceptable Conditions of Work.—There is no legislated or administratively determined minimum wage. Wages and salaries are set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering about 90 percent of all wage- and salary-earners, the collective bargaining agreements set minimum pay rates and are enforceable by law. These minimums provide an adequate standard of living for workers and their families. The number of hours of work per week is regulated by contracts that directly or indirectly affect 80 percent of the working population. The average workweek for industrial workers

is 36 hours in the western part of the country and about 39 hours in the eastern states.

In September the Federal Constitutional Court refused to review a case filed by a civil servant in east Berlin, who had argued unsuccessfully that the prevailing system of different rates of pay for public service workers in the east and west were unconstitutional. The Court ruled that lower wages in the east were justifiable due to differences in the economic situation in both parts of the country and that the pay gap had narrowed steadily since 1992.

Federal regulations limit the workweek to a maximum of 48 hours. Provisions for overtime, holiday, and weekend pay vary depending upon the applicable collective bargaining agreement.

Foreign workers are protected by law and generally receive treatment equal to that of citizens. However, foreigners who are employed illegally, particularly in the construction industry in Berlin, are susceptible to substandard wages. Wage discrimination also affects legal foreign workers to some extent. For example, foreign teachers in some schools are paid less than their German counterparts. In addition seasonal workers from Eastern Europe who come to Germany on temporary work permits often receive wages below normal German standards. Furthermore workers from other European Union countries sometimes are employed at the same wages that they would receive in their home country, even if the corresponding German worker would receive a higher wage.

An extensive set of laws and regulations on occupational safety and health incorporates a growing body of European Union standards. These provide for the right to refuse to perform dangerous or unhealthy work without jeopardizing employment. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. The Labor Ministry and its counterparts in the states effectively enforce occupational safety and health standards through a network of government bodies, including the Federal Institute for Work Safety. At the local level, professional and trade associations—self-governing public corporations with delegates both from the employers and from the unions—oversee worker safety.

f. Trafficking in Persons.—Trafficking in women and forced prostitution are forbidden by law; however, trafficking in women and girls is a serious problem. The laws against trafficking in women were modified in 1992 and 1998 to deal more effectively with problems stemming from the opening of the country's eastern borders; trafficking in persons is punishable by up to 10 years' imprisonment.

Germany is a destination and transit country for trafficked women. Estimates vary considerably on the number of women and girls trafficked to and through the country, ranging from 2,000 to 20,000 per year. Most trafficking victims are women and girls between the ages of 16 and 25 who are forced to work as prostitutes. According to police statistics, less than 1 percent of trafficking victims are men or boys. Of the women trafficked to the country through fake employment offers, arranged marriages, fraud, and coercive measures, 80 percent come from Eastern Europe and the countries of the former Soviet Union, primarily from Poland, Ukraine, and the Czech Republic. The other 20 percent of trafficking victims come from Southeast Asia, Africa, and Latin America.

The Federal Ministry for Families, the Elderly, Women, and Youth heads an interagency working group to coordinate the efforts of state and federal agencies to combat trafficking and to aid victims of trafficking. The Ministry has lobbied states successfully to provide victims of trafficking who have been detained by police 4 weeks to leave the country, rather than have them face immediate deportation. The 4-week grace period allows the victims time to decide whether to cooperate with police on investigations of those suspected of trafficking. Those who cooperate, although they are very few in number, are granted a temporary stay for at least part of the proceedings and may be eligible for witness protection at the state level. In three cases during recent years, the children of women in such witness protection programs were brought to the country to prevent possible retaliation against them due to their mother's testimony. However, protection ends once the case is concluded. Trafficking victims who cannot afford to pay for their return tickets home may be eligible for state and federal funds for transportation and some pocket money.

The Federal Government has embarked on a multiyear "Action Plan to Combat Violence Against Women," introduced in December 1999. This effort includes the creation of a number of combined federal and state working groups, with the participation of relevant NGO's, to address in as comprehensive a manner possible legislative changes, public educational campaigns, and opportunities for greater institutional cooperation. Under this program, the Government plans to spend approximately \$373,000 (DM 822,000) over 3 years to establish a "National Coordination Group Against Trafficking in Women and Violence Against Women in the Migratory

Process.” The Federal Government continued its funding of six counseling centers for women from Central and Eastern Europe, and most states and many communities cofinanced institutions that help counsel and care for victims of trafficking. The Government publishes a brochure that provides information on residency and work requirements, counseling centers for women, health care, warnings about trafficking, and information for sex-industry workers that is printed in 13 languages and distributed by NGO’s and German Consulates abroad.

GREECE

Greece is a constitutional republic and multiparty parliamentary democracy in which citizens choose their representatives in free and fair elections. The Panhellenic Socialist Movement (PASOK) won the majority of parliamentary seats for a second consecutive term in parliamentary elections held in April. Its leader, Constantine Simitis, has been Prime Minister since 1996. The New Democracy Party is the main opposition party. The judiciary is independent.

The national police and security services are responsible for internal security. Civilian authorities maintain effective control of all security forces. The police and security services are subject to a broad variety of restraints. Some members of the police and security forces nevertheless committed human rights abuses.

Greece has a market economy with a large public sector that accounts for some 40 percent of gross domestic product (GDP). Residents enjoy a relatively advanced standard of living. Structural adjustment funds from the European Union (EU) account for approximately 4 percent of the country’s GDP.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Security force personnel sometimes abused persons. Overcrowding and harsh living conditions continued in some prisons. Police sweeps resulted in the detention of undocumented immigrants under often squalid conditions. There are legal limits on the freedom of association of ethnic minorities. Overall, leaders of minority religions noted a general improvement in government tolerance, but some legal restrictions and administrative obstacles on freedom of religion persisted. The Government sometimes placed human rights monitors, including foreign diplomats, non-Orthodox religious groups, and minority groups under surveillance. Violence against women and trafficking in women for the purpose of forced prostitution are problems. Discrimination against ethnic minorities remained a problem, although it is decreasing. However, Roma continued to suffer widespread discrimination. Although it reaffirmed individuals’ right of self-identification, the Government continues formally to recognize as a minority only the Muslim minority specified in the 1923 Treaty of Lausanne. As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture, although problems in this area decreased during the year. Muslims note positive developments in education and in the living conditions in villages.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings by government officials.

In the 1998 case of a Romani man killed by police in Partheni, Thessaloniki, the policemen were acquitted in March on all charges. The court found that they fired in self-defense.

In the 1998 case of a foreign student killed by a policeman, the policeman received a sentence of 2 years’ imprisonment for involuntary manslaughter in November; he has appealed the judgment.

Isolated incidents of terrorism continued during the year. A British military attache was shot and killed in June by the terrorist group November 17. The group has claimed responsibility for 22 killings during the past 25 years, but no one has ever been arrested and charged in these cases.

There was no resolution of the cases of seven doctors accused of manslaughter in 1998 in connection with the case of an alleged hostage-taker in an Athens hospital or of a policeman who in 1996 shot and killed a Romani man at a roadblock in Livadia.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically forbids torture, and a 1984 law (that has never been

invoked) makes the use of torture an offense punishable by a sentence of 3 years' to life imprisonment; however, security force personnel occasionally abused persons, including Roma (see Section 5).

In August two foreigners accused police in Crete of mistreatment while under detention.

The 1998 case of three policemen who allegedly beat two Romani teenagers was still pending in September 2000 (see Section 5). The 1996 case of five police officers accused of beating an Iraklion man also remained pending.

In 1997 a man on Rhodes accused three policemen of beating him while in custody. The three accused officers were charged, but the charges were dropped later by the prosecutor in December 1999.

Immigrants—mostly Albanian citizens—accused police of physical, verbal, and other mistreatment (including the confiscation and destruction of their documents), particularly during police sweeps to apprehend illegal immigrants (see Section 2.d.).

Numerous anarchist and terrorist groups attacked a wide spectrum of targets, mostly commercial property, during the year. The firebombing of vehicles, drive-by shootings of buildings, and bombings at commercial establishments, mostly late at night, were widespread.

The Ministry of Public Order opened a Bureau of Internal Affairs in October 1999 to investigate cases of police misbehavior. The Bureau took several disciplinary measures, including dismissal and suspension, against officers involved in corruption. The corruption mostly involved trafficking, bribes for illegal construction, and drugs.

Conditions in some prisons remained harsh due to substantial overcrowding and outdated facilities. As of July, the Ministry of Justice reported that the total prison population was 8,131 (of whom 2,775 were foreigners), while the total capacity of the prison system was 4,825.

Non-EU illegal aliens awaiting deportation at the Drapetsona police detention center in Piraeus staged another hunger strike in April to protest what was described by a human rights organization as a "lack of adequate exercise, lack of natural daylight, insufficient sanitary facilities, restriction on visits, inadequate food, severely limited access to medical treatment, and no access to social services." Poor conditions also were reported at the Amygdaleza detention center for illegal alien women.

The Ministry of Justice continued its program to improve prison conditions and expand capacity. Construction is underway on four new prisons. The Government has been inconsistent in permitting prison visits by nongovernmental organizations (NGO's). There were no reports of restricted prison access this year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution requires judicial warrants for all arrests, except during the actual commission of a crime, and the law prohibits arbitrary arrest orders; the authorities respected these provisions in practice. The police by law must bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order the release of the detainee within 3 days, unless special circumstances require a 2-day extension of this time limit.

Defendants brought to court before the end of the day following the commission of a charged offense may be tried immediately, under an "expedited procedure." Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short period of time may inhibit defendants' ability to present an adequate defense. Defendants may ask for a delay to provide time to prepare their defense, but the court is not obliged to grant it. The expedited procedure was used in less than 10 percent of misdemeanor cases; it does not apply in felony cases.

The effective maximum duration of pretrial detention is 18 months for felonies and 9 months for misdemeanors. Defense lawyers assert that pretrial detention is exceedingly long and overused by judges. A panel of judges may grant release pending trial, with or without bail. Pretrial detainees made up 31 percent of those incarcerated, contributing to overcrowding, according to government sources. A person convicted of a misdemeanor and sentenced to 2 years' imprisonment or less may, at the court's discretion, pay a fine instead of being imprisoned.

Throughout the year, the police conducted large-scale sweeps and temporarily detained large numbers of foreigners under often squalid conditions while determining their residence status (see Section 2.d.). Some of the foreigners are detained on an indefinite basis with no judicial review, which, according to the NGO Human Rights Watch, constitutes arbitrary detention.

Exile is unconstitutional, and no cases have been reported since the restoration of democracy in 1974. In a significant step, the Government in 1998 repealed Article 19 of the Citizenship Code, which permitted it to revoke the citizenship of Greek citizens of non-Greek ethnic origin who traveled outside Greece. Between 1955 and

1998, according to then-Minister of Interior Papadopoulos, some 60,000 citizens lost their citizenship under the old law. The 1998 law had no provision for retroactive application. About 400 individuals who lost their citizenship in the past under Article 19 continued to reside in Greece. Following the repeal of Article 19, most of these individuals were issued identification documents characterizing them as stateless, but they were permitted to apply to reacquire Greek citizenship. Most of these 400 persons had not had their applications adjudicated by year's end (also see Section 2.d.).

Article 20 of the Citizenship Code, which permits the Government to strip citizenship from those who "commit acts contrary to the interests of Greece for the benefit of a foreign state," remained in force. In the past, this article affected Greek citizens abroad who asserted a "Macedonian" ethnicity. There have been no reports of Article 20 being invoked by the Government since 1998 (also see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary, and it is independent in practice.

The judicial system includes three levels of civil courts, (first instance, appeals, and supreme) and three levels of criminal courts (first instance—divided into misdemeanor and felony divisions, appeals, and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

The Constitution provides for public trials, unless the court decides that privacy is required to protect victims and witnesses or the cases involve national security matters. Defendants enjoy a presumption of innocence, the standard of proof beyond a reasonable doubt, the right to present evidence and call witnesses, the right of access to the prosecution's evidence, the right to cross-examine witnesses, and the right to counsel. Lawyers are provided to defendants who are not able to afford legal counsel only in felony cases. Both the prosecution and the defense may appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. According to several immigrant associations in Athens, the low fees paid for such work often result in poor interpretation. Foreign defendants who depend on these interpreters frequently complain that they do not understand the proceedings of their trials.

The legal system does not discriminate on the basis of sex, religion, or nationality; however, there were some exceptions: nonethnic Greek citizens are prohibited legally from settling in a large "supervised zone" near the frontier (although this prohibition is not enforced in practice); and a 1939 law (also not enforced in practice) prohibits the functioning of private schools in buildings owned by non-Orthodox religious foundations.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits the invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls; however, these safeguards do not appear to be entirely effective. The security services continued to monitor some human rights groups, such as the Greek Helsinki Monitor (see Section 4), non-Orthodox religious groups, minority group representatives, and foreign diplomats who met with such individuals. Some human rights monitors reported suspicious openings and diversions of mail. The Government apparently took no steps to stop such practices or to prosecute those involved.

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. Legal restrictions on free speech nevertheless remain in force.

Articles of the Penal Code that can be used to restrict free speech and the press include Article 141, which forbids exposing the friendly relations of the Greek state with foreign states to danger of disturbance; Article 191, which prohibits spreading false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations and inciting citizens to rivalry and division, leading to disturbance of the peace; and Article 192, which prohibits inciting citizens to acts of violence or to disturbing the peace through disharmony among them. Those convicted in the past were allowed to convert their prison sentences, up to 3 years, into a fine of approximately \$14 (5,000 drachmae) per day.

According to Human Rights Watch (HRW), a renowned violinist and a composer were given prison sentences in March for defamation based on statements made during newspaper interviews. In such criminal defamation cases in the past, the defendant typically has been released on bail pending appeal, and no jail time is ever served. In November 1999, according to HRW, two journalists for Eleftherotypia were indicted for defamation for alleging that the Lesvos police were associated with smugglers. Also, in December 1999 an Athens court convicted Dimitris Rizos, pub-

lisher of Adesmeftos Typos, of aggravated defamation of the publisher of another newspaper with the same name.

In a 1997 case, two journalists were convicted of publishing classified government documents; their convictions were still under appeal at the Supreme Court in September 2000.

On matters other than the question of ethnic minorities, there is a tradition of outspoken public discourse and a vigorous free press. Satirical and opposition newspapers routinely attack the highest state authorities. Members of ethnic, religious, and linguistic minorities freely publish periodicals and other publications, often in their native language. The Constitution allows for seizure (though not prior restraint), by order of the public prosecutor, of publications that insult the President, offend religious beliefs, contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. However, seizures are very rare; none have occurred since 1998.

A Thessaloniki court of first instance ruled in September in favor of a former Member of Parliament (M.P.), Mimis Androulakis, whose novel "M to the Power of N" was banned from circulation in seven northern prefectures in May as a "blasphemous" book because of sexual connotations regarding the relationship between Christ and Mary Magdalene. The court ruled that the novel was a "work of art" and thus protected by the Constitution.

The Constitution provides that the state exercise "immediate control" over radio and television. Once the state monopoly on radio and television ended in 1989, numerous private stations began operations in an essentially unregulated market while the Government sought to draft and implement legislation on licensing and frequency allocations. The National Radio and Television Council (NRTC) has an advisory role in radio and television licensing, whereas the Ministry of Press and Mass Media has final authority.

A 1995 law established ownership and technical frequency limits on electronic media; the Government and media outlets disputed application procedures and frequency allocations. In December 1998, the Government passed legislation designed to legalize stations operating with pending applications; with more applicants than available frequency spectrum, not all stations will gain licenses. The Government occasionally closes stations for violating intellectual property rights or interfering with civil aviation, military, and law enforcement transmissions. In December 1999, Channel Station 2000, an Evangelical radio station, was closed. The station's owners stated that the closure was because of religious content (although other non-Orthodox stations continue to operate unhindered), whereas the Government asserted that the station's broadcasts sporadically interfered with military channels. In January 2000, the station legally resumed operation. State-run stations tend to emphasize the Government's views but also report objectively on other parties' programs and positions. Private radio and television stations operate independently of any government control over their reporting. Turkish-language television programs are available widely via satellite in Thrace.

The 1998 conviction of Abdulhalim Dede, the Muslim owner of Radio Isik, for illegal construction of a new radio antenna intended to extend the range of the station, was upheld on appeal in June. The court reduced the sentence from 8 to 2 months in jail but suspended enforcement pending Dede's appeal to the Supreme Court. The Supreme Court decided in May 2000 that Abdulhalim Dede did not receive a fair trial on a fifth charge of illegal construction of a new radio antenna intended to extend the range of the station. Dede paid a \$1,368 (500,000 drachmae) fine in lieu of 2 months jail for his initial conviction.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects this right in practice. Police permits are issued routinely for public demonstrations, and there were no reports that the permit requirement was abused.

In the spring of 1999, a large number of demonstrations occurred in Athens and Thessaloniki to protest NATO actions in Kosovo, and demonstrations took place against the visit of President Clinton in November 1999. Pro-Serb activists in Thessaloniki continued to demonstrate against the U.S. periodically, most notably in the spring of 2000, when U.S. troops travelling to and from the Kosovo peace-keeping mission were transiting northern Greece. In demonstrations organized by the Orthodox Church, over 100,000 supporters gathered in Athens and Thessaloniki in the summer of 2000 to protest the Government's decision to remove notation of religion on the national ID card.

The Constitution provides for the right of association, which the Government respected; however, the courts continue to place legal restrictions on the names of associations involving ethnic minorities (see Section 5).

Government authorities legally recognize the existence of the Muslim minority but contend that other ethnic/linguistic or religious groups have no legal basis for official recognition as “minorities.” The Government has affirmed an individual, but not a collective, right of self-identification. However, in 1997 it signed (but had not yet ratified) the European Framework Convention for the Protection of National Minorities.

c. Freedom of Religion.—The Constitution establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the “prevailing” religion; it also provides for the right of all citizens to practice the religion of their choice; however, while the Government respects this right, non-Orthodox groups sometimes face administrative obstacles or legal restrictions on religious practice. The Constitution prohibits proselytizing and stipulates that non-Orthodox rites of worship may not disturb public order or offend moral principles.

The Orthodox Church wields significant political and economic influence. The Ministry of Education and Religion supervises the Church, and the Government provides some financial support by, for example, paying the salaries of clergy, subsidizing their religious training, and financing the construction and maintenance of Orthodox Church buildings.

The Orthodox Church and the Jewish and Muslim religions are considered by law to be “legal persons of public law.” Other religions are considered “legal persons of private law.” In practice a primary distinction is that establishment of other religions’ “houses of prayer” is regulated by the general provisions of the Civil Code regarding corporations. For example other religions cannot, as religious entities, own property; the property must belong to a specifically created legal entity rather than to the church itself. In practice this places an additional legal and administrative burden on non-Orthodox religious community organizations. Parliament passed a law in July 1999 that extended legal recognition to Catholic churches and related entities established prior to 1946.

Two laws from the late 1930’s require recognized or “known” religious groups to obtain house of prayer permits from the Ministry of Education and Religion in order to open houses of worship. By law the Ministry may base its decision to issue permits on the opinion of the local Orthodox bishop, but Ministry officials state that they no longer obtain the opinion of the Orthodox bishop when considering house of prayer permit applications. According to ministry officials, once a “known” religion receives a house of prayer permit, applications for additional houses of prayer are approved routinely. Minority religious groups have requested that laws regulating house of prayer permits be abolished. Many provisions of these laws are not applied in practice, but local police still have the authority to bring minority churches to court, as demonstrated in the case of the 16 churches charged but acquitted on December 12 in Thessaloniki for operating without a house of prayer permit.

The only recent application for recognition as a known religion at the Ministry was submitted in February by the Scientologists of Greece. Although the deadline mandated by law for processing the applications is 3 months, it took the Ministry until October to decide that it would not recognize the Scientologist community as an “official” religion.

A 1997 tax bill imposed three new taxes on all churches and other nonprofit organizations. Leaders of some non-Orthodox religious groups claimed that all taxes on religious organizations were discriminatory, even those that the Orthodox Church has to pay, since the Government subsidizes the Orthodox Church while other groups are self-supporting. The Government also pays the salaries of the two official Muslim religious leaders and provides them with official vehicles.

Approximately 94 to 97 percent of the country’s 10.6 million citizens adhere at least nominally to the Greek Orthodox faith. With the exception of the Muslim community (some of whose rights, privileges, and related government obligations are covered by the 1923 Treaty of Lausanne), the Government does not keep statistics on the size of religious groups. Ethnic Greeks account for a sizeable percentage of most non-Orthodox religions. The balance of the population is composed of Muslims (officially estimated at 98,000 although some Muslims claim up to 110,000 country-wide); accurate figures for other religions are not available. Protestants, including evangelicals (approximately 30,000); Jehovah’s Witnesses (50,000); Catholics (50,000); Jews (5,000); plus small congregations of the Church of Jesus Christ of Latter-Day Saints (Mormons), Scientologists, the Baha’i Faith, and other Christian denominations are scattered throughout the country.

Several religious denominations reported difficulties in dealing with the authorities on a variety of administrative matters. Privileges and legal prerogatives granted to the Greek Orthodox Church are not extended routinely to other recognized religions. The non-Greek Orthodox churches must make separate and lengthy applications to government authorities on such matters as gaining permission to move

places of worship to larger facilities. In contrast Greek Orthodox officials have an institutionalized link between the church hierarchy and the Ministry of Education and Religion to handle administrative matters.

The 1923 Treaty of Lausanne, which is still in force, gives Muslims in Western Thrace the right to maintain social and charitable organizations ("wakfs") and provides for muftis (Islamic judges and religious leaders with limited civic responsibilities) to render religious judicial services.

The Muslim population, concentrated in Western Thrace with small communities in Rhodes, Kos, and Athens, is composed mainly of ethnic Turks but also includes Pomaks and Roma. The approximately 10,000 member Muslim community in Athens (composed primarily of economic migrants from Thrace) has no mosque or state-appointed cleric to officiate at various religious functions, including funerals. Members of the Muslim community often transport their deceased back to Thrace for religious burials. In June the Parliament approved a bill allowing construction of the first Islamic cultural center and mosque in the Athens area. According to official sources, a total of 287 mosques operate freely in Western Thrace and others on the islands of Rhodes and Kos. Construction of a long-delayed mosque in Kimmeria, Thrace was completed in 1998, although its minaret remained unfinished. The issue is one of local sensitivities rather than religious motivation, and the religious operation of the mosque has not been affected.

Differences remain within the Muslim community and between segments of the community and the Government over the means of selection of muftis. Under a 1991 law, the Government appointed two muftis and one assistant mufti, all resident in Thrace. The appointments to 10-year terms were based on the recommendations of a committee of Muslim notables selected by the Government. The Government argued that it must appoint the muftis because, in addition to their religious duties, they perform judicial functions in civil and domestic matters under Muslim religious law, for which the State pays them.

Some Muslims accept the authority of the two officially appointed muftis; other Muslims, with support from Turkey, have "elected" two different muftis to serve their communities (although there is no established procedure or practice for election). The courts repeatedly have convicted (14 times in 5 years) one of the elected muftis for usurping the authority of the official mufti. All of the respective sentences remain suspended pending appeal. The other elected mufti, who was convicted in 1991 of usurping the authority of the official mufti, appealed to the European Court of Human Rights. In December 1999, the Court ruled that the conviction violated his freedom of religion and self-expression, but it did not rule on the question of his legal status as mufti.

Controversy between the Muslim community and the Government also continues over the management and self-government of the wakfs, regarding the appointment of officials as well as the degree and type of administrative control. A 1980 law placed the administration of the wakfs in the hands of the appointed muftis and their representatives. In response to objections from some Muslims that this arrangement weakened the financial autonomy of the wakfs and violated the terms of the Treaty of Lausanne, a 1996 presidential decree put the wakfs under the administration of a committee for 3 years as an interim measure pending the resolution of outstanding problems. The interim period was extended indefinitely in 1999.

Muslim activists complained that the Government regularly lodges tax liens against the wakfs although they are in theory tax-free religious foundations. Under a national land and property registry law that came into full effect in January 1999, the wakfs, as with all property holders, must register all of their property with the Government. The law permits the Government to seize any property that owners are not able to document; there are built-in reporting and appeals procedures. The wakfs were established in 1560; however, due to the destruction of files during the two world wars, the wakfs are unable to document ownership of much of their property. They have not registered the property, so they cannot pay assessed taxes. To date the Government has not sought to enforce either the assessments or the registration requirement.

Protestant groups constitute the second largest religious group after the Greek Orthodox Church. Some groups, such as the evangelicals and Jehovah's Witnesses, consist almost entirely of ethnic Greeks. Other groups, such as the Latter-Day Saints and Anglicans, consist of an approximately equal number of ethnic Greeks and non-Greeks. Non-Greek citizen clergy reported difficulty renewing their visas during the year because the Government does not have a distinct visa category for religious workers. The Government, by virtue of the Orthodox Church's status as the prevailing religion, recognizes de facto its canon law. The Catholic Church in 1999 unsuccessfully sought government recognition of its canon law (the official "constitution" of the Church).

As part of new obligations under the Schengen Treaty and the Treaty of Amsterdam, all non-European Union citizens face a more restrictive visa and residence regime than they did in the past.

Although Jehovah's Witnesses are recognized as a "known" religion, they continued to face some harassment in the form of arbitrary identity checks (although reduced from 1998), difficulties in burying their dead, and local officials' resistance to their construction of churches (which in most cases was resolved quickly and favorably). In Thessaloniki in late 1999, the Government Tax Office refused to recognize Jehovah's Witnesses as a nonprofit association and imposed an inheritance tax for property willed to them. The individuals appealed the decision in 2000, and by year's end, the case still was pending. In 1999 a European Court of Human Rights case was resolved when the Government admitted surveillance of an adherent and promised that it would never conduct surveillance of Jehovah's Witnesses again.

In previous years, the armed forces consistently refused to exempt Jehovah's Witnesses' clergy from mandatory military service. In 1998 a law providing an alternative form of mandatory national service for conscientious objectors took effect. All clergy now are exempt from any service. The law provides that conscientious objectors may work in state hospitals or municipal services for 36 months. Conscientious objector groups characterized the legislation as a positive first step but criticized the 36-month alternative service term, which is double the regular 18-month period of military service.

Evangelical parishes are located throughout the country. Members of missionary faiths report difficulties due to constitutional and legal prohibitions on proselytizing. Church officials express concern that antiproselytizing laws remain on the books, although such laws no longer hinder their ministering to the poor and to children. In December 1999, the Government, applying legislation covering radio and television broadcasts, shut down an evangelical radio station over a technical issue on transmission frequency; however, the station resumed operation legally a few months later once the case was adjudicated.

The Church of Jesus Christ of Latter-Day Saints has about 80 missionaries in the country each year, for approximately 2-year terms. Church leaders report that their permanent members (nonmissionaries) do not encounter discriminatory treatment. However, the police occasionally detained Mormons and Jehovah's Witnesses (on average every 2 weeks) after receiving complaints that individuals were engaged in proselytizing. In most cases, these Mormons and Jehovah's Witnesses were held for several hours at a police station and then released with no charges filed. Many reported that they were not allowed to call their lawyers and that they were verbally abused by police officers for their religious beliefs. In 1998 the European Court of Human Rights found the Government in violation of the European Convention on Human Rights for convicting Protestants of proselytizing in past cases. There were no proselytizing-related court cases during the year.

Scientologists, most of whom are located in the Athens area, practice their faith through a registered nonprofit philosophical organization. According to the president of the Greek Scientologists, the group chose to register as a philosophical organization because legal counsel advised that the Government would not recognize Scientology as a religion. In a step toward gaining recognition as a religion, Scientologists reapplied for a house of prayer permit in February. The application was rejected by the Ministry of Education and Religious Affairs on October 17 on the grounds that Scientology "is not a religion."

The Bishop of Athens heads the Roman Catholic Holy Synod. CARITAS, a charitable organization, and the Missionaries of Charity (Mother Teresa's order of nuns) also operate in the country. Legal recognition of the Catholic archdiocese of Athens, earlier denied, was granted in July 1999. The Jewish community numbers approximately 5,000 adherents; the majority live in the Athens and Thessaloniki regions. In October 1999, a rededication of a synagogue in Hania, Crete as a house of prayer and a cultural center was marred by public criticism of the event by the regional governor. The Minister of National Education and Religion, and other government and Greek Orthodox officials lent their support to the rededication.

Religious instruction in Orthodoxy in public primary and secondary schools is mandatory for all Greek Orthodox students. Non-Orthodox students are exempt from this requirement. However, Jehovah's Witnesses have reported some past instances of discrimination related to attendance at religious education classes or other celebrations of religious or nationalistic character. Members of the Muslim community in Athens are lobbying for Islamic religious instruction for their children. The neighborhood schools offer no alternative supervision for the children during the period when religious issues are taught. The community has complained that this forces the parents to have their children attend Orthodox religious instruction by default.

The Government decided in the summer to remove the notation of religious affiliation on national identity cards. This sparked a national debate on the role of the Church in society. For example, the issue led Archbishop Christodoulos to organize religious protest rallies in Thessaloniki and Athens in June. Both demonstrations drew over 100,000 supporters. Archbishop Christodoulos vociferously criticized the Government and has started collecting signatures to petition the Government to allow religious affiliation as an option on national identity cards.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice. Unlike in the past, there were no reports of assertions by Muslim leaders that the Government routinely withheld permission from Muslims seeking to change their legal residence, which determines where they vote, from rural to urban communities within western Thrace or from elsewhere in Greece to Thrace.

A section of the Citizenship Code, Article 20, permits the Government to strip citizenship from those who “commit acts contrary to the interests of Greece for the benefit of a foreign state.” While the law as written applies equally to all Greeks regardless of ethnic background, to date it has been enforced, in all but one case, only against citizens who identified themselves as members of the “Macedonian” minority. The Government has not revealed the number of Article 20 cases that it pursued. There were no reports of such cases during the year. Dual citizens who are stripped of Greek citizenship under Article 20 sometimes are prevented from entering the country using the passport of their second nationality.

The Government offers asylum under the terms of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. It cooperates with the local office of the U.N. High Commissioner for Refugees (UNHCR). In June 1999, a presidential decree took effect that significantly expanded the rights of asylum seekers and brought the law into compliance with UNHCR minimum standards on asylum procedures. UNHCR commented on its good relations with police during the year. The Government did not forcibly deport refugees during the year to countries where they feared persecution.

Individuals recognized as refugees under the terms of the U.N. convention are eligible for the residence and work permits that are necessary to settle permanently. In the first 6 months of 2000, 1,295 individuals submitted applications for refugee status; 132 individuals were recognized as refugees. Another 43 were granted temporary residence on humanitarian grounds until return to their countries becomes possible. The remaining 1,120 cases were pending.

The Government usually does not recognize the concept of first asylum rights for refugees. UNHCR has expressed its concern over the fact that very few applicants are granted asylum on first application to the authorities; most who are granted asylum succeed on their second try, when UNHCR participates. Interpretation services are lacking, as are adequate personnel who would ensure timely access to the asylum process for all those who seek it. UNHCR also has expressed its concern that there exists no publicly funded legal aid system for free counseling to asylum seekers and refugees.

Anecdotal evidence suggests that thousands of individuals from Iraq, Afghanistan, Turkey, and Iran enter the country illegally each year; only a small percentage eventually apply for official refugee status. Some of those who do not apply remain illegally, often living in camps or in NGO shelters where conditions range from adequate to very poor. Others proceed to Western Europe, often applying for asylum there. In January an accident involving a truck that carried 80 smuggled persons from Turkey killed 6 of them and wounded several dozen. Other accidental deaths occurred in similar circumstances. In the largest immigrant smuggling operation ever reported, a Turkish ship carrying 655 illegal migrants bound for Italy was seized off Chios on October 20. The applications of those aboard who wanted to apply for asylum were being processed; none were forcibly deported. The Government usually does not seek out such individuals for deportation; since Greece and Turkey do not have a readmission agreement, the Government finds it practically impossible to deport formally individuals who enter Greece from Turkey.

Deportations of both illegal and legal immigrants, abusive treatment by police, and inconsistencies and inequities in the way employers provide wages and benefits were common. The police conducted many large-scale sweeps of neighborhoods populated by immigrants, temporarily detaining large numbers of individuals while determining their residence status. The detainees were held in squalid conditions: A report by Human Rights Watch in December cited severe overcrowding and a lack of sufficient exercise, sleeping accommodations, adequate food, or medical care. The only government-funded center for asylum seekers is old and in need of repair.

The Organization for the Employment of Human Resources (OAED), a government agency, reported that by 2000, 386,000 illegal aliens, out of an estimated total alien population of 700,000, had applied for legal status or a "white card," under a program designed to regularize the residency status of illegal, (usually economic) immigrants. A few, mostly Albanian, white card holders were able to meet all the requirements of the law and receive a "green card," which serves as a residence permit and allows the immigrants to live and work in the country for a limited period of time. OAED issued 159,807 green cards by July. Some 80 percent of the green cards issued so far are of 1-year duration. A new application is required to extend the card for an additional year. Holders of a white card may reside and work legally on a short-term basis while meeting the other requirements necessary to obtain a green card. Press reports cite the obstacles of a complex bureaucracy and the unwillingness of employers to pay social security contributions as primary reasons for the limited ability of white cardholders to advance to the green card application process. The OAED estimated that out of a total of 386,000 white cardholders in 1998, 163,000 simply dropped out of the green card application process. Legislation provides for the green card program to remain in effect until the end of 2001. At year's end the Government proposed a bill to establish a new legalization process. Press reports estimated that it would take 3 years just to process the applications already submitted.

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

Greece is a multiparty democracy whose Constitution provides for full political rights for all citizens and for the peaceful change of governments and of the Constitution. The Government headed by Prime Minister Constantine Simitis of the Panhellenic Socialist Movement (PASOK) won in free and fair elections in September 1996 and again in April 2000. Parliament elects the President for a 5-year term. Voting is mandatory for those over age 18, but there are many conditions that allow citizens not to vote, and penalties are not applied in practice. Members of the unicameral 300-seat Parliament are elected to maximum 4-year terms by secret ballot. Opposition parties function freely and have broad access to the media.

Women are underrepresented in government and politics, although no legal restrictions hinder their participation, and their numbers are slowly increasing. During the year, women held 2 of 20 ministerial positions in the Government and 3 of 29 subministerial positions. Of the 300 members elected to Parliament in April, 31 were women.

While the Government generally respects citizens' political rights, there are occasionally charges that it limits the right of some individuals to speak publicly and associate freely on the basis of their self-proclaimed ethnic identity, thus impinging on the political rights of such persons. However, in the 2000 parliamentary elections, one Muslim was elected in Thrace, from PASOK. A second Muslim became a Member of Parliament (M.P.) in September after winning a court challenge to the eligibility of the seated M.P. for violating a constitutional provision.

Romani representatives report that local authorities sometimes have deprived Roma of the right to vote by refusing to register them. However, Romani activists also report that some municipalities encourage Roma to register. Municipalities can refuse to register Roma who do not fulfill basic residency requirements, which many Roma have trouble meeting.

In 1996 the Government transferred responsibility for oversight of all rights provided to the Muslim minority under the Treaty of Lausanne (including education, zoning, administration of the wakfs, and trade) from elected local governors to a government-appointed regional administrative official, the periferiarch of Eastern Macedonia and Thrace. Some minority members charged that the transfer reduced their ability to use the democratic process to influence decisions that affect them. The Government stated that it made the change because the central authorities could administer Greece's treaty obligations more effectively. In 1994 the Government set up a system to elect nomarchs to govern at the provincial level. These officials work in close cooperation with both elected mayors and local leaders (Christian and Muslim). Members of the Muslim community noted that this decentralization has been a positive factor in local and regional development.

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

The Government allows domestic human rights organizations to operate, but cooperation with them varies. The security services on occasion monitor contacts of human rights groups, including listening in on conversations held between those groups and human rights investigators and diplomats and questioning contacts (see

Section 1.f.). Monitors view this surveillance as a form of intimidation that deters others from meeting with investigators.

The government ombudsman's office, which opened in 1998, received 781 complaints in the first 8 months of the year directly related to human rights issues, of which 455 were processed. Human rights cases constituted 26 percent of all cases, an increase of 30 percent compared with the full year in 1999. The office has proved to be an effective means for resolving human rights and religious freedom concerns.

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

The Constitution provides for equality before the law irrespective of nationality, race, language, religious or political belief; however, government respect for these rights in practice was uneven.

Women.—Violence against women is a problem. The incidence of violence against women reported to the authorities is low; however, the General Secretariat for Equality of the Sexes (GSES), an independent government agency that operates the only shelter for battered women in Athens, believes that the actual incidence is "high." According to press and academic estimates, there were approximately 4,500 cases of rape in 1999. Reportedly only 6 to 10 percent of the victims contact the police, and only a small fraction of the cases reaches trial. Conviction rates on rape charges are low for first time accused, but sentences are harsh for repeat offenders. Spousal rape is a crime.

The GSES asserts that police tend to discourage women from pursuing domestic violence charges and instead undertake reconciliation efforts. The GSES also claims that the courts are lenient when dealing with domestic violence cases. GSES, in cooperation with the Ministry of Public Order, continued during the year training courses begun in 1999 for police personnel on how to treat domestic violence victims.

Facilities for battered women and their children often are staffed inadequately to handle cases properly. Two government shelters provide relevant services in Athens and Piraeus, including legal and psychological advice. Battered women also can go to state hospitals and regional health centers. In June the Secretariat started operating a 24-hour emergency telephone hot line for abused women to call for help. An interministerial committee composed of the GSES, the Ministry of Public Order, the Ministry of Health and Welfare, and the Ministry of Justice, was established in 1999 to focus on women's issues.

Prostitution is legal. Prostitutes must register at the local police station and carry a medical card that is updated every 2 weeks. While the number of Greek women entering the profession has declined steadily over the years, according to the police and academic sources, trafficking in women for prostitution, mostly from the former Soviet republics, Albania, Bulgaria, and Romania, has increased sharply in recent years (see Sections 6.c. and 6.f.). It is estimated that fewer than 1,000 prostitutes are ethnic Greeks, and approximately 20,000 are of foreign origin—most in the country illegally.

Most prostitutes who are arrested are foreigners who are apprehended for non-compliance with legal requirements. While national data on such arrests is not available, police reports estimate that 4,197 women were arrested for prostitution from December 1998 through December 2000. A total of 1,693 were arrested during 2000, compared with 2,267 in 1999. Media reports implicated several police officers as participants in prostitution rings. The press alleged on a number of occasions that police accepted bribes from traffickers or pimps or forced illegal immigrants to have sex with them and then channeled them into prostitution rings. The vice squad unit of the police was disbanded for a couple of weeks in 1998 in part as a result of these allegations.

Trade unions report that lawsuits for sexual harassment are very rare: according to the unions, only four women have filed such charges in the past 3 years. In all four cases, the courts reportedly imposed very lenient civil sentences. The General Confederation of Greek Workers (GSEE) women's section reports that sexual harassment is a widespread phenomenon, but that women are discouraged from filing charges against perpetrators by family members and coworkers since they believe they might be socially stigmatized.

Women enjoy broad constitutional and legal protection, including equal pay for equal work. However, the National Statistical Service's most recent data, for the fourth quarter of 1998, show that women's salaries in manufacturing were 71 percent of those of men in comparable positions; in retail sales, women's salaries were 88 percent of those of men in comparable positions.

Although relatively few women occupy senior positions, in recent years women entered traditionally male-dominated occupations such as the legal and medical professions in larger numbers. However, women still face discrimination when they are

considered for promotions in both the public and private sectors. Women also are underrepresented in labor unions' leadership. According to the women's section of the GSEE, 58.6 percent of the country's long-term unemployed are women, while women constitute only 38 percent of the work force. To ameliorate the situation, the GSES established two regional employment offices for women in Thessaloniki and Patras. It also continued to provide vocational training programs for unemployed women and programs to reinforce entrepreneurship, subsidies to women for setting up an enterprise, information and counseling to unemployed women, and created childcare facilities to assist unemployed women to attend training courses and look for a job.

Children.—The Government is committed to providing adequate basic health and education services for children. Education is compulsory through the ninth grade, but the legislation does not provide for enforcement or penalties. University education is public and free.

Several government organizations have responsibility for children's issues. The National Welfare Organization, which has a nationwide network of offices, is active in the field of child protection. A 1998 law combined the National Welfare Organization with two similar entities in 1999 to provide better services. The services of the new organization were regionalized to provide greater access to child welfare services and funding prioritized according to regional needs.

Penal law prohibits the mistreatment of children and sets penalties for violators, while welfare legislation provides for preventive and treatment programs for abused children and for children deprived of a family environment; it also seeks to ensure the availability of alternative family care or institutional placement.

There is no societal pattern of abuse of children. No national data exist on the incidence of child abuse; authorities other than police are not required to report such cases. In a 10-year clinical study of 200 cases of abused children, the Institute of Child Health (ICH) reports that 59.5 percent involved physical abuse, 20 percent involved neglect, and 21 percent involved children who were not abused at the time but had a history of abuse. (The study did not cover victims of sexual abuse.) An ICH prevalence study of child sexual abuse among 740 university students revealed an incidence rate of 7 percent among boys and 17 percent among girls prior to age 18. Societal abuse of children in the form of pornography and child labor is rare. Child prostitution is a growing phenomenon, particularly in some parts of immigrant communities of central Athens.

Children's rights advocacy groups claim that the protection of high-risk children in state residential care centers is inadequate and of low quality. They cite lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of residential care centers as systemic weaknesses in the treatment of child abuse. Many NGO's make honest efforts to cover the gap, but they are not manned by professionals, lack supervision from the State, and do not have built-in evaluation systems. Two municipal shelters for battered children opened in Athens in 1999. Child health specialists note that the number of children in residential care facilities is decreasing, while the number in foster care is rising. Child health specialists say that some social groups, such as Roma and illegal immigrants, are underserved.

In recent years, the number of street children who panhandle or peddle at city intersections on behalf of adult family members or for criminal gangs increased. According to the Ministry of Public Order, 78 percent of these children are Albanian, 12 percent are from other Balkan countries, and 10 percent are Romani. The Government implemented measures to combat this phenomenon, which included the institutional placement of children up to 12 years old, therapeutic consultations with their families, and the deportation of juveniles 12 to 17 year old. Street children are rounded up regularly by police. However, it is believed widely that even those who were deported managed to return eventually.

In August police detained a group of 35 Roma children from Albania, between the ages of 3 months and 11 years old, who were begging or being exploited by beggars in the streets. Police apprehended 20 adults, identified as parents. Police believe that this was the largest child exploitation ring ever uncovered in the country. The group of Roma was deported. A children's NGO, A Child's Smile, claims that many street children are victims of abuse. Based on the findings of a study it carried out in Thessaloniki in 1999, the majority of street children are between the ages of 8 and 14. Some 60 percent of the children are from Albania, and most have been separated from their parents, who remain in their native country. They are brought to Greece by someone posing as their guardian or parent. In most cases, their parents, faced with extreme financial difficulties in Albania, agreed to send their child to Greece in exchange for a small percentage of the monthly earnings.

People with Disabilities.—Legislation mandates the hiring of disabled persons in public and private enterprises that employ more than 50 persons. However, the law reportedly is enforced poorly, particularly in the private sector. The law states that disabled persons should account for 3 percent of staff in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for disabled persons. Recent legislation mandates the hiring of disabled persons in the public sector from a priority list. The disabled are exempt from the civil service exam. Persons with disabilities have been appointed to important positions in the civil service.

The Construction Code mandates physical access for disabled persons to private and public buildings, but this law, too, is enforced poorly. A 1997 survey showed that over 60 percent of public buildings are not accessible to persons with mobility problems. Ramps and special curbs for the disabled have been constructed on some Athens streets and at some public buildings, and sound signals have been installed at some city street crossings. Since 1993 the Government has been replacing old city buses with new ones designed to accommodate the disabled. The new Athens subway lines provide full access for the disabled.

Religious Minorities.—Greeks tend to link religious affiliation very closely to ethnicity. In the minds of many Greeks, an ethnic Greek is also Orthodox Christian. Non-Orthodox citizens have complained of being treated with suspicion or told that they were not truly Greek when they revealed their religious affiliation. Non-Orthodox citizens also have claimed that they face career limits within the military and the civil service due to their religions.

In the military, generally only members of the Greek Orthodox faith become officers, leading some members of other faiths to declare themselves Orthodox. Only two Muslim officers have advanced to the rank of reserve officer.

Although in the past there have been numerous cases of discriminatory denial of Muslim applications for business licenses, tractor ownership, or property construction, both Muslim and Christian leaders report that these discriminatory practices have ended.

Members of minority faiths have reported incidents of societal discrimination, such as local bishops warning parishioners not to visit clergy or members of minority faiths and neighbors requesting that the police arrest missionaries for proselytizing. Some non-Orthodox religious communities believe that they have been unable to communicate with officials of the Orthodox Church and claim that the attitude of the Orthodox Church toward their faiths has increased social intolerance towards their religions. The Orthodox Church has issued a list of practices and religious groups, including Jehovah's Witnesses, Evangelical Protestants, Scientologists, Mormons, Baha'is, and others, which it believes to be sacrilegious. In 1999 there was an incident in which local Orthodox clergy and local government officials mobilized to demolish a government-approved house of prayer in the process of construction by Jehovah's Witnesses in Halkidiki in northern Greece. The incident was resolved swiftly through the intervention of police forces. Officials of the Orthodox Church have acknowledged that they refuse to enter into dialog with religious groups considered harmful to Greek Orthodox worshippers; church leaders instruct Orthodox Greeks to shun members of these faiths.

National/Racial/Ethnic Minorities.—An increase in xenophobia paralleled an increase in the number of non-Greeks living and working in the country. Antiforeigner sentiment is directed mainly at Albanians (who make up over three-fifths of the alien population). Landlords in Athens and other parts of the country routinely refuse to rent to Albanians, even to that country's diplomats.

Significant numbers of Greek citizens identify themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or "Macedonians" or "Slavomacedonians." Most are integrated fully into society. The Government formally recognizes only the "Muslim minority" specified in the 1923 Treaty of Lausanne, although it stated publicly in August 1999 that members of that minority could identify themselves individually as belonging to different ethnic groups. However, the Government failed to acknowledge formally the existence of non-Muslim ethnic groups, principally Slavophones, under the term "minority." As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture. Most of the Muslim minority (officially estimated to number 98,000) are ethnically Turkish or Turcophone and live in Western Thrace. The Muslim minority also includes Pomaks and Roma. Many Greek Muslims, including Pomaks, identify themselves as Turks and say that the Muslim minority as a whole has a Turkish cultural consciousness. While use of the terms "Tourkos" and "Tourkikos" ("Turk" and "Turkish") is prohibited in titles of organizations, individuals legally may call themselves "Tourkos." To most Greeks, the words "Tourkos" and "Tourkikos" connote Turkish identity or loy-

alties, and many object to their use by Greek citizens of Turkish origin. The 8-month prison sentence of a dozen Muslim teachers, convicted in 1996 for using the name "Turkish Teachers of Western Thrace" in a union document, remained suspended pending appeal. In December the Supreme Court overturned an appeals court decision that upheld a 1986 trial court's order to close the "Turkish Union of Xanthi" because of the use of the word "Turkish" in the organization's name. The Supreme Court stated that the court's decision should be based on the organization's activities and not its name, and it therefore ordered the appeals court to review the case.

The Treaty of Lausanne provides that the Muslim minority has the right to Turkish-language education, with a reciprocal entitlement for the Greek minority in Istanbul (now reduced to about 3,000 persons). Western Thrace has both Koranic and secular Turkish-language schools. Under a 1952 educational protocol, Greece and Turkey may exchange annually 35 teachers on a reciprocal basis for service in Istanbul and Western Thrace. Due to the dwindling needs of the small and aging Greek population in Istanbul, in recent years the Greek side limited the exchanges to 16 teachers per country. There were no complaints during the year from Muslim leaders about bureaucratic barriers preventing Turkish teachers from working in Thrace.

In 1999 the Government approved 19 Turkish textbooks for use in the secular Turkish-language schools (referred to as "minority" schools in Thrace). Under a 1960 bilateral protocol, Turkey provides copies of the approved texts for use in the schools of Western Thrace. The books arrived in May 2000.

In Western Thrace over 8,000 Muslim children attended Turkish-language primary schools. An additional 150 attended 2 bilingual middle schools with a religious curriculum. Approximately 700 attended Turkish-language secondary schools, and approximately 1,300 attended Greek-language secondary schools. In the past, many Muslims reportedly went to high school in Turkey due to both the limited number of places in the Turkish-language secondary schools, which are assigned by lottery, and parent preference. However, the lottery system was not used during the year, and all students who applied were admitted. In 1999 the Government instituted an European Union-funded program for teaching Greek as a second language to Muslim children, primarily for those students in the Greek-language public schools, to improve their academic performance and chance of obtaining postsecondary education in Greece. In addition the Government offered further opportunities for minority students to learn Greek through preschool, kindergarten, afterschool, and summer school courses.

Government incentives encourage Muslim and Christian educators to reside and teach in isolated villages. However, in a 1999 law, the Government cancelled the program of incentives for Christian educators teaching temporarily in minority schools. Teachers Union representatives complained that the move would discourage Christians from seeking temporary teaching positions in minority schools. The law permits the Minister of Education to give special consideration to Muslims for admission to universities and technical institutes. Universities and technical institutes are required to create a certain number of places for Muslim students each year; 400 spaces were available for the 2000–2001 school year. Under this law, 123 Muslim students entered Greek universities and technical institutes during 1999. Approximately 1,700 other Muslim students entered via the national examination process open to all Greeks and were attending universities and technical schools.

The rate of employment of Muslims in the public sector and in state-owned industries and corporations is much lower than the Muslim percentage of the population. Muslims in Western Thrace claim that they are hired only for lower level, part-time work. The Government claims and Muslims and Christians note that a lack of fluency in written and spoken Greek and the need for university degrees for high-level positions limit the number of Muslims eligible for government jobs.

Public offices in Thrace do their business in Greek; the courts provide interpreters as needed. Since 1998 there have been no claims of discrimination against Muslims who apply for business licenses, tractor ownership, or property construction. Muslims and Christians in Thrace commended the Government for the basic public services (electricity, water, and telephone) provided to Muslim villages in recent years.

Other than in one multicultural elementary education "pilot school," the Government does not provide instruction in Greek as a second language to Turcophone children in the Athens area. Muslim parents report that their children are unable to succeed in school as a result of this policy. The Government maintains that Muslims outside Thrace are not covered by the Treaty of Lausanne and therefore do not enjoy those rights provided by the treaty.

Unlike in the past, there were no reports of assertions by Muslim leaders that the Government routinely withheld permission from Muslims seeking to change

their legal residence, which determines where they vote, from rural to urban communities within western Thrace or from elsewhere in Greece to Thrace.

The Government refuses to acknowledge formally the existence and "minority" status of ethnic/linguistic groups, such as Vlachs and Slavophones, other than the Muslim minority specified in the Treaty of Lausanne. As a result some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture.

Northwestern Greece is home to an indeterminate number (estimates range widely, from under 10,000 to 50,000 or more) of citizens who still speak at home a Slavic dialect, particularly in Florina province. A small number of them identify themselves as belonging to a distinct ethnic group and assert their right to "Macedonian" minority status. Their assertions generate strong objections among the 2.2 million non-Slavophone Greek inhabitants of the northern Greek region of Macedonia, who use the same term to identify themselves. The Government will not recognize the Slavic dialect as a "Macedonian" language distinct from Bulgarian. Members of the minority assert that the Government pursues a policy designed to discourage use of their dialect. Government sensitivity on this issue stems from concern that members of the "Macedonian" minority may have separatist aspirations. Greece's dispute with the former Yugoslav Republic of Macedonia over that country's name heightened this sensitivity. Complaints of government harassment and intimidation directed against these persons decreased significantly since 1998 and ceased in 2000.

In July 1999, three Muslim Members of Parliament and a number of Greek human rights organizations issued a letter calling on the Government to recognize legally the right of self-identification for members of all minorities, including the Muslim and "Macedonian" minorities. Senior government officials in August 1999 reaffirmed an individual, but not a collective, right of self-identification.

Roma continued to face discrimination from some local authorities and society at large. The Prime Minister's Office for Quality of Life, responsible for coordinating government projects for Roma, estimates the total Romani population to be 150,000 to 200,000. Nonofficial sources estimate the total at 250,000 to 300,000. Most of the Roma in Western Thrace are Muslims; elsewhere the majority are Greek Orthodox. Many Roma are settled permanently, mainly in the Athens area. Others are either mobile, working mainly as agricultural laborers, peddlers, and musicians throughout the country, or live in camps. The number of Roma who move around the country is decreasing gradually as families settle mainly into slums and camps around major cities. There are approximately 70 Romani camps with a total camp population between 100,000 and 120,000 persons.

At a September 1999 Implementation Review Meeting in Vienna of the Organization for Security and Cooperation in Europe, the Greek delegation recognized that the situation of Roma in Greece was "unsatisfactory and unacceptable" and committed the Government to remedy the situation. Government representatives identified as impediments to progress the lack of a unified voice from the Roma community and the widespread social prejudice against them.

In 1999 the Ministry of Interior completed a survey on the housing needs of the Roma; in March 2000 it established an interministerial committee to coordinate government action for them. Most Romani camps have no running water or electricity, much less garbage disposals or sewage treatment. Local authorities harass and threaten to evict Roma from their camps. The Roma of Tyrnavos, Thessaly, attempted to build their own lavatories in order to improve their living conditions, but local authorities pulled them down and imposed fines for violating construction codes. The Ministry of Defense allocated land in 1999 and houses in December 2000 at a former army camp (Gonou) for the Roma of Evosmos, Thessaloniki, to occupy. (The 3,500 Roma were evicted in 1998 from their homes of some 30 years and then evicted from 4 other sites in the following 15 days.)

The NGO Greek Helsinki Monitor reported that many communities of Roma tent-dwellers were evicted or threatened with eviction during the year. A number of evictions took place in Athens from the location that will host the 2004 Olympics. In August 1999, local authorities evicted 30 Roma families from an area in Ioannina, which they had been renting for 7 years. In June 2000, the municipal authority of Nea Kios, Peloponnese, issued a decision to evict all 300 Roma from the region because the municipality claimed that the Roma contributed to the high crime rate. Police were asked to take action and implement the decision within 48 hours. A Roma hut was set on fire by unknown perpetrators. Human rights NGOs held the municipal authority responsible for the arson because of its decision to declare the Roma presence "undesirable." The decision of the municipal authority was repealed following the intervention of the Ombudsman's Office. In August municipal authorities in Crete attempted to evict over 100 Roma from their homes of 15 years in Nea Alikarnasos; the national ombudsman stopped the action.

Roma experience police abuse more frequently than some other groups. In September police were accused of beating Roma during a routine traffic stop in Nafplio. The trial of three policemen accused of beating two Romani teenagers in Mesolonghi in May 1998 still had not begun in September.

Roma frequently face discrimination in employment and in housing, particularly when attempting to rent accommodations. The approximately 400 Roma families in Tyrnavos, Thessaly, live in tents because the authorities refuse to include the area in city planning.

Romani representatives report that some local authorities have refused to register Roma as residents in their municipalities. Until registered with a municipality, no citizen can vote or exercise other civic rights such as obtaining an official marriage, commercial, or driver's license, or contributing to social security.

Government policy is to encourage the integration of Roma. The Prime Minister has designated a member of his staff to coordinate the efforts of all government ministries having a role in their integration, and the Ministry of Interior established an interministerial committee with the same aim. Poverty, illiteracy, and social prejudice nevertheless continue to plague large parts of the Romani population; these problems are most severe among the Roma who are mobile or who live in slums. The illiteracy rate among Roma is estimated at 80 percent. However, the Ministry of Education reported that the illiteracy rate is dropping among the Roma children, because the school enrollment rate increased by 17 percent and the drop-out rate decreased to 75 percent as a consequence of an identity card system, set up by the Ministry, which allows students to change schools more easily as their parents move. The idea of setting up satellite elementary schools near Romani camps has been set aside in favor of the policy of integration (except for preschool centers).

The integration of Roma into social security systems is quite low. It is estimated that 90 percent of Roma are not insured by the public social security systems, since they are unable or unwilling to make the required contributions. Like other qualified citizens, indigent Roma are entitled to free health care. However, their access to health care at times is hindered by the fact that their encampments are located far from public health facilities. The Municipality of Pyrgos, Peloponnese, issued health cards to the Roma living permanently in the area and established a preschool center close to the Roma camp near the Alfeios River.

The Ministry of Health and Welfare continued work on projects to address the chronic problems of the Roma community. The projects included training courses for civil servants, policemen, and teachers to "increase sensitivity to the problems of the Roma," the development of teaching materials for Roma children, and the establishment of youth centers in areas close to Roma communities. The Ministry established six such centers.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of association. All workers, with the exception of the military, have the right to form or join unions. Police have the right to form unions but not to strike.

Approximately 26 percent of wage earners (nearly 650,000 persons) are organized in unions. Unions receive most of their funding from a Ministry of Labor organization, the Workers' Hearth, which distributes mandatory contributions from employees and employers. Workers, employers, and the state are represented in equal numbers on the board of directors of the Workers' Hearth. Approximately 10 public sector unions have dues-withholding provisions in their contracts, in addition to receiving Workers' Hearth subsidies.

Over 4,000 unions are grouped into regional and sectoral federations and 2 umbrella confederations, 1 for civil servants (ADEDY) and 1, the General Confederation of Greek Workers (GSEE), for private sector employees. Unions are highly politicized, and there are party-affiliated factions within the labor confederations, but day-to-day operations are not controlled by political parties or the Government. There are no restrictions on who may serve as a union official.

Legal restrictions on strikes include a mandatory period of notice, which is 4 days for public utilities and 24 hours for the private sector. Legislation mandates a skeleton staff during strikes affecting public services, such as electricity, transportation, communications, and banking. Public utility companies, state-owned banks, the postal service, Olympic Airways, and the railroads also are required to maintain a skeleton staff during strikes.

The courts have the power to declare strikes illegal, although such decisions seldom are enforced. However, unions complain that this judicial power serves as a deterrent to some of their members from participating in strikes. The courts declared some strikes illegal during the year for reasons such as failure of the union to give

adequate advance notice of the strike or the addition of demands by the union during the course of the strike. However, no striking workers were prosecuted.

Fewer strikes took place during the year than ever before, and those that occurred were fairly brief and nondisruptive. Strikes by public sector employees, including mass transport employees, lasted between 1 and 5 days and primarily concerned securing timely pay increases and greater job security.

Unions are free to join international associations and maintain a variety of international affiliations.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively in the private sector and in public corporations. These rights are respected in practice. There are no restrictions on collective bargaining for private sector employees.

In 1997 and 1998 civil servants were accorded the right to organize and bargain collectively with the Ministry of Public Administration. The civil servants confederation conducted official negotiations with the Ministry of Interior for the first time in 1999.

In response to union complaints that most labor disputes ended in compulsory arbitration, legislative remedies were enacted in 1989 that provided for mediation procedures, with compulsory arbitration as a last resort. A 1992 law established a National Mediation, Reconciliation, and Arbitration Organization that applies to the private sector and public corporations (the military and civil service excluded).

Antiunion discrimination is prohibited. The Labor Inspectorate or a court investigates complaints of discrimination against union members or organizers. Court rulings have mandated the reinstatement of improperly fired union members.

Three free trade zones operate according to European Union regulations. The labor laws apply equally in these zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits all forced or compulsory labor, including that performed by children, and the Ministry of Justice enforces this prohibition; however, women and girls are trafficked into the country for the purpose of forced prostitution (see Sections 5 and 6.f.). The Government may declare the “civil mobilization” of workers in the event of danger to national security, life, property, or the social and economic life of the country. The International Labor Organization (ILO) Committee of Experts has criticized this power as violating the standards of ILO Convention 29 on forced labor. The Government did not resort to civil mobilization during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment in the industrial sector is 15 years, with higher limits for certain activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These age limits are enforced by occasional Labor Inspectorate spot checks and generally are observed. However, families engaged in agriculture, food service, and merchandising often have younger family members assisting them, at least part time. The Constitution contains a blanket prohibition of compulsory labor. Although no specific legislation explicitly prohibits forced and bonded labor by children, such practices are not known to occur (see Section 6.c.), except among some Roma and immigrants (see Section 5).

e. Acceptable Conditions of Work.—Collective bargaining between the GSEE and the Employers' Association determines a nationwide minimum wage. The Ministry of Labor routinely ratifies this minimum wage, which has the force of law and applies to all workers. The minimum wage of \$17.40 (6,986 drachma) daily and \$389.20 (155,943 drachma) monthly, effective July 1, is sufficient to provide a decent standard of living for a worker and family. The maximum legal workweek is 40 hours in the private sector and 37^o hours in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of 1 month per year, and sets limits on overtime.

Legislation provides for minimum standards of occupational health and safety. Although the GSEE characterized health and safety legislation as satisfactory, it charged that enforcement, the responsibility of the Labor Inspectorate, was inadequate. Legislation passed in 1999 places the Labor Inspectorate under a central authority in compliance with ILO Convention 81. Workers do not have the legal right to remove themselves from situations that they believe endanger their health. However, they do have the right to lodge a confidential complaint with the Labor Inspectorate. Inspectors have the right to close down machinery or a process for a period of up to 5 days if they see safety or health hazards that they believe represent an imminent danger to the workers.

f. Trafficking in Persons.—The law does not specifically criminalize trafficking in persons, but other statutes in the Penal Code are used to prosecute such cases. Arrests and court cases for prostitution by unlicensed foreign women, and cases

against their traffickers, have increased, but remain at a very low level. Fines and sentences for traffickers are minimal.

Greece is both a transit and destination country for trafficked women. Trafficking in women for prostitution in Greece has increased sharply in recent years. At any give time, some 16,000 to 20,000 trafficked women are in the country, according to unofficial estimates. Approximately 2,400 trafficked women were deported from Greece during the year; many are quickly brought back into the country, according to official sources. While the Government is stiffening its border controls, in part because of the European Union Schengen Agreement requirements, there are fissures through which many women are brought into the country from the Balkans and the former Soviet Union. Local police corruption also plays a role in facilitating their entry into the country.

According to a Panteion University professor, 75 percent of foreign female prostitutes are not told why they are being brought to Greece. Some women arrive as "tourists" or illegal immigrants who seek work and are lured into prostitution by club owners who threaten them with deportation. Some women are kidnaped from their homes by their fellow countrymen and smuggled into Greece where they are "sold" to local procurers. The victims of this practice are often minors. Frequently connections exist between illegal prostitution and other criminal activities.

HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Viktor Orban, the leader of the FIDESZ-Hungarian Civic Party, heads a coalition Government formed after elections in May 1998 by FIDESZ, the Independent Smallholders' Party, and the Hungarian Democratic Forum. The Government respects the constitutional provisions for an independent judiciary.

The internal and external security services report directly to a minister without portfolio, and the police report to the Interior Minister. Credible reports of police abuses persist, although their frequency has declined compared with last year.

The Government demonstrated a sustained commitment to economic reform, resulting in a successful transition to a fully functioning market economy. The private sector accounts for 85 percent of gross domestic product. Services, trade, and government employ about 67.4 percent of the labor force. The proportion of the labor force involved in industry has declined to only 33 percent. Major exports include manufactured goods (30.3 percent) and machinery and transport equipment (58.5 percent). Unemployment has declined substantially to around 6 percent. However, an estimated 25 percent of the population live in poverty, with elderly pensioners, dependent housewives and children, and Roma most affected. The large Roma population is eight times more likely to be poor than the remainder of the population.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Although the authorities addressed problems in specific cases, police continued to use excessive force against suspects. Police also harassed and abused both Roma and foreign nationals. In practice the authorities do not always ensure due process in all cases. Prosecutors and judges may impose what amounts to unlimited pretrial detention, although the Government expanded legal provisions for the right to fair trial.

The electronic media are a mix of state-owned and privately owned national, local, and regional radio and television, with private stations dominating audience share by a wide, and ever-widening, margin. After taking office in 1998, the Government publicly declared its intention to "balance" the media in order to encourage more extensive attention to the conservative values and themes that the Government promotes. After 2 years in office, the Government recognized that it was only one (although an influential) player in the media market, and decided to stop pursuing such balance. In spite of numerous dismissals of journalists in the state-owned radio and television, certain members of the governing coalition still publicly contend that these outlets are overrepresented by liberal, opposition-leaning journalists. The junior coalition partner, the Smallholders, submitted a proposal to the Parliament to investigate the pre-1990 political activities of state-employed journalists. Although certain news analysis programs on state media often function as platforms for right-wing voices, the main news programs remain largely politically neutral.

Violence against women and spousal abuse of women remain serious problems. Sexual harassment and discrimination on the job also remain serious problems. Steps have been taken to improve the rights of women and persons with disabilities. Anti-Semitic and racial discrimination persisted, but no new attacks were reported this year. Societal discrimination against Roma remains a serious problem. Traf-

ficking in women and children for the purpose of forced prostitution is a growing problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings.

In December an unsuccessful Cameroonian asylum applicant died while being deported; his feet were cuffed after his repeated efforts to break free (see Section 2.d.). The official report cites heart attack as the cause of death.

Trials continued in a number of cases of men charged with crimes against humanity for shooting into crowds of demonstrators with machine gun fire and for throwing hand grenades, all at the time of the 1956 Revolution. The defendants were tried in 1993. At the time, they were charged with murder, but acquitted because the 15-year statute of limitations for such a charge had passed. The new trial became possible after the Supreme Court overturned the previous verdicts in June 1999, stating that these cases should be tried as war crimes, which have no time limit. In these cases, the issue before the courts was whether each specific individual is guilty of a war crime, an argument that can be made because a civil war was in progress at the time, and all defendants were members of the border guards, police, or military. By year's end, 10 cases had concluded with guilty verdicts. Those accused were sentenced to short prison terms that subsequently were suspended, were stripped of their rank, and had their pensions reduced accordingly.

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 such practices. No known incidents of torture occurred. An investigation into allegations of torture made in early 1999 by a confessed mass murderer concluded during the year without enough evidence to bring charges against any police officers. Police abuses continued, including use of excessive force, beatings of suspects, and harassment. Police also continued to harass and physically abuse Roma and foreign nationals. In 1999, 2,397 reports of police abuse were filed compared with 2,296 in 1998. Of these complaints, only 377 resulted in court cases, compared with 312 in 1998. In 845 cases, no investigation occurred. Many of the cases that did make it into the court system were still pending at year's end; no accurate data on convictions were available. Historically, 10 to 15 percent of such cases result in conviction. In the first 6 months of the year, policemen were convicted in five cases. Also in the first 6 months of the year, the National Police Headquarters reports the following number of incidents of police abuse to be: 5 cases of forced questioning, 8 cases of abuse against Roma, and 16 cases of abuse against foreigners. Punishments include fines, probation, and the imposition of suspended sentences. In 1997 the Budapest central district court sentenced four police officers to 1 to 2 years in prison for the exceptionally severe beating of a detainee under interrogation. The appeals court suspended the sentences, and three out of the four officers continue to serve as police officers. According to a report by the Hungarian Helsinki Committee, persons detained by police complain of abuse, but very few file official complaints because they do not expect positive results and fear that the complaint may affect their cases adversely. Some sources attribute the rise in numbers of reports of police abuse to a growing willingness to seek official redress in these instances. The Romani minority community and dark-skinned foreigners are the most common victims of police abuse, with Roma bearing the brunt. In June 1999, after several incidents of police brutality against Roma in Hajduhadhaz, the Ministry of Interior admitted that the town had the highest level of reported police violence in the country, and that half of the town's police force was under investigation for allegations of abuse. In May the Debrecen County Court convicted three of five officers charged with abuse and sentenced them each to prison terms of 2 years and 5 months. A Roma rights organization reported that in Budapest in June 1999, three police officers beat and kicked a Romani university student as he walked through a park. When the man told the officers that he would report their abuse, they beat him further. The Rom filed a lawsuit against the officers; the case was still pending at year's end. Despite such occurrences, the Ombudsman for Minority Affairs believes that the situation is, at worst, remaining constant, and possibly is marginally better. The Ombudsman continues to promote a uniform anti-discrimination law.

The police and Interior Ministry are working to change the police's authoritarian image, and human rights organizations report that police generally are more cooperative with outside monitoring of police behavior. However, these efforts are hampered by low salaries and a lack of physical resources. A 1997 study by the Ombuds-

man's office, which investigates constitutional violations in the public sector, denounced police corruption but noted that it was unsurprising that it existed, given police officers' low pay and poor working conditions. The Ombudsman found that working conditions in the vast majority of police offices were unsuitable. In 1999 the Interior Ministry, as part of the Government's general anticorruption plan, launched a program to fight corruption in law enforcement. The program promotes reform of the systems for recruitment and training at the National Police and the Border Guards. Applicants for these organizations have to pass a thorough psychological test; in addition their financial situation and other risk factors are examined. The program also prepares law enforcement officers to recognize and avoid "corruption situations." As part of the program, the Interior Ministry has added 86 new officers to the Office for Supervision and Control.

Police frequently harass foreign residents, particularly nonEuropeans. At times, police showed indifference towards foreigners who had been victims of street crime.

Prisons are overcrowded but meet minimum international standards. The population of prisons and detention centers as of September was 15,769 persons (4,264 of whom were in pre-trial detention), or 160 percent of capacity, which represents an increase of over 600 prisoners from the end of 1999. Tougher maximum sentences have contributed to the increase of the prison population. The age of most prisoners is now between 25- and 40-years-old. Between 65 and 70 percent of prisoners earn wages while in prison, either from work performed in prison or from workrelease programs. Some programs allow prisoners to spend weekends at home. A recent change in philosophy led to more efforts to rehabilitate criminals for their eventual return to normal life. Civil organizations and foundations assist in the rehabilitation process. According to officials, the general health of prisoners declined in the last few years. The chief Ombudsman issued a report on prison conditions and facilities in 1997. A new pre-detention center was opened in the summer, and two new prisons are scheduled to open within the next 2 years. A 1999 survey among prisoners about alleged abuse concluded that abuse by prison personnel was not a problem.

The Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—Police must inform suspects upon arrest of the charges against them but may hold them for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings, and that the authorities provide counsel for juveniles, the indigent, and the mentally disabled; however, credible reports suggest that police do not always allow access to counsel, particularly for minor crimes. Bail has been available to citizens since January, when a new Criminal Code entered into force. It is also available to foreigners, but rarely is used.

The Police Act permits police to hold suspects in public security detention (PSD) in the following cases: In which the suspect has no identity papers; in which blood or urine tests must be performed to determine blood alcohol content; or if the suspect continues to commit a misdemeanor offense in spite of prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees are not always informed of the charges against them, because such periods of "short" detention are not defined as "criminal detention" and so are not considered to be covered by the Criminal Code.

On December 18, a 30-year-old unsuccessful Cameroonian asylum applicant, Ebune Christian Ecole, died while being deported by police at Budapest Airport (see Section 1.a.). Ecole's repeated protests and attempts to break free led the captain of the SABENA flight, which was to transport him out of the country, to refuse to take him on board. Police then proceeded to further restrain Ecole by shackling his feet, at which point he reportedly fainted. Emergency Medical Technicians were unable to revive him. The official report of his death cites heart attack as the cause. Local NGO's have called for a thorough investigation of the circumstances surrounding Ecole's death.

Pretrial detention, based on a warrant issued by a judge, is initially limited to 1 year while criminal investigations are in progress; it may be extended indefinitely on the prosecutor's motion (provided the judge concurs). According to the new Criminal Procedure Law, pretrial detention is to be limited to a maximum of 3 years, after which the case expires automatically if formal charges are not brought. The lack of a bail system gives tremendous leeway to the judge. In 1999 the average length of pretrial detention was 3.5 months, although nearly 10 percent of detainees were held for periods ranging from 8 to 12 months. In addition foreigners usually are held until their trial since they are considered likely to flee the country. Roma allege that they are kept in pretrial detention longer and more frequently than non-Roma (see Section 1.e.). The law provides for compensation when a detainee is re-

leased for lack of evidence, but the procedure rarely is exercised since detainees must undertake a complicated legal procedure to pursue their claims. The Minister of Justice, on behalf of the State, decides on compensation. The amount depends on the case and can cover the costs of the trial, attorney's fees, lost wages, and some other miscellaneous sums.

The law does not provide for exile, and it is not employed.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair, although sometimes slow, process.

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all the courts. There are three levels of courts. Original jurisdiction in most matters rests with the local courts. Appeals of their rulings may be made to the county courts or to the Budapest municipal court, which have original jurisdiction in other matters. The Supreme Court is the final court of appeal, while the Constitutional Court is the final court on constitutional matters. In the case of military trials, appeals also may be addressed to the Supreme Court. Under the new Criminal Procedure Law enacted in January, an intermediate court of appeal was to be established between the metropolitan/county courts and the Supreme Court. These intermediate courts are designed to alleviate the current backlog of court cases and permit lower courts to hear simple cases. Critics of the new system charge that it would instead slow court procedures and increase costs. Although passed and signed by Parliament, the Government delayed indefinitely the implementation of the new level of courts, citing budgetary constraints. A National Judicial Council (NJC) was established in 1997 to nominate judicial appointees and oversee the judicial budget process. The NJC will also oversee the implementation of the fourth level of courts.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it as well as their compliance with international treaties that the Government has ratified. Citizens may appeal directly to the Constitutional Court if they believe that their constitutional rights have been violated. Parliament elects the Court's members to 9-year terms, which may be renewed; no renewals have been made to date. The retirement age of the Constitutional Court judges is 70 years. No judge or member of the Supreme or Constitutional Courts may belong to a political party or engage in political activity.

The law provides for the right to a fair trial, and the authorities respected this right in practice. Counsel is appointed for indigent clients, but public defenders are paid poorly—less than \$5 (1,000 Huf) for the first hour of the trial and less than \$2.50 (500 Huf) for each additional hour—and do not give indigent defendants priority. Lawyers often meet indigent clients for the first time at trial.

Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Judicial proceedings are generally investigative rather than adversarial in nature. The public defender system provides generally substandard service. (There is no public defender's office, as such; private attorneys may or may not choose to serve in this capacity. Since public defenders are paid only for the hours spent in trial, little to no preparation is done and lawyers often meet their clients for the first time at the trial.)

In selected cases, judges may agree to a closed trial to protect the accused or the crime victim, such as in some rape cases. In October 1998, the victim protection office was established in the Ministry of the Interior. Under the new Criminal Procedure Law, witnesses (and in some cases, victims, judges, and translators) are to be protected by having their personal data kept closed, in a separate location from the case files. For specially protected witnesses, court appearances are unnecessary; they are to be questioned personally by the judge. In July 1999, Parliament passed a resolution calling for a new victim protection plan, which would provide new identities and homes for victims and their family members. A bill must be submitted by December 31, 2001. There is no jury system; hence judges are the final arbiters. Under the new Criminal Procedure Law, prosecutors are to have greater influence over their cases. Plea bargaining, which is known as a "trial waiver," is now available to prosecutors.

Military trials follow civil law and may be closed if national security or moral grounds so justify. In all cases, sentencing must take place publicly.

Many human rights and Romani organizations claim that Roma receive less than equal treatment in the judicial process. Specifically they allege that Roma are kept in pretrial detention more often and for longer periods of time than nonRoma. This allegation is credible in light of general discrimination against Roma; however, there is no statistical evidence because identifying the ethnicity of offenders is not allowed

under the data protection law. Since the majority of Roma fall into the lowest economic strata, they also suffer from poor counsel and unenthusiastic representation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides that the prosecutor's office may issue search warrants. Police must carry out house searches in the presence of two witnesses and must prepare a written inventory of items removed from the premises. Wiretapping, which may be done for national security reasons and for legitimate criminal investigations, requires a court's permission. These provisions appear to be observed in practice. During the last 2 years, there were no publicized reports that police entered private residences without warrants to check foreigners' identification.

In August 1998, Prime Minister Orban stated that FIDESZ politicians and their families were the targets of illegal secret surveillance in 1997. Orban claimed that the investigators, whose identity he did not reveal, sought damaging information to use in the spring 1998 elections. Opposition (former government) leaders vigorously denied the accusations. In its final report issued in the spring, the parliamentary committee formed to investigate the matter did not find evidence to support allegations of widespread misconduct.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, and the Government respects this right in practice. However, during the year the FIDESZ-led coalition Government actively attempted to counterbalance what it considers a leftwing bias in news coverage through its influence on personnel decisions within the state-owned media. Nonetheless, a wide variety of views and opinions is available among the highly competitive print and broadcast media.

After the transition from communism, the majority of print media outlets were purchased by foreign publishing companies. In addition numerous new publications made the local print market much more competitive. Political opposition sources claim that this competition was utilized by the coalition in its attempt to balance the print media, some elements of which the Government views as too liberal and anticoalition. Advertisements from state-owned companies and financial institutions were awarded to progovernment papers, which also tend to receive better access to government sources.

Parliament passed a media law in 1996 creating institutions designed to foster a free and independent electronic media. The law provided for the creation of nationwide commercial television and radio and was intended to insulate the remaining public service media from government control. The National Television and Radio Board (ORTT), the regulatory agency created by the 1996 Media Law, has continued to monitor news broadcasts for equal treatment of all political parties. Several commercial stations were warned publicly by the ORTT during the year for giving more time to one party over others.

The state broadcast media continue to lay off large numbers of journalists and administrative personnel to reduce overhead. Opposition figures have accused the Government of firing journalists based on political bias. State-owned media (Hungarian Radio, Hungarian Television, and Duna TV) operate with incomplete Boards of Trustees representing only coalition nominees, an issue debated in the constitutional court and in the Parliament.

On March 14, some 6,000 demonstrators marched across Budapest to demand an independent supervisory board for the broadcast media. The demonstration was organized by the Socialist Party, trade unions, and nongovernmental organizations (NGO's); representatives of other opposition parties also took part.

Academic freedom generally is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respects this right in practice. There are essentially no restrictions on peaceful public gatherings. In general the Government does not require permits for assembly, except when a public gathering is to take place near sensitive installations, such as military facilities, embassies, or key government buildings. Police sometimes may alter or revoke permits, but there is no evidence that they abuse this right.

The Constitution provides for freedom of association, and the Government respects this right in practice. Any 10 or more persons may form an association, provided that it does not commit criminal offenses or disturb the rights of others. Associations with charters and elected officers must register with the courts.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and members of all faiths are allowed to practice their religion freely. There are 92 officially recognized religions. A group needs 100 members (or 100 signatures) to register as a religion in any county court. There is no preferred religion, although not

all religions receive state support. State support is in the form of funds negotiated each year between the Ministry of Cultural Heritage and the Finance Ministry. A 1996 law allows citizens to donate 1 percent of their taxes to any religion, and a 1997 law extended this option by allowing citizens to donate 1 percent to any religion and 1 percent to a civil organization or public institution. In 1999 the Ministry of Cultural Heritage provided \$11.24 million (2.81 billion Huf) for the reconstruction of church properties and monuments and for other investments. In May the Government passed an amendment to existing tax laws that confirmed sales tax exemption for country's historic denominations and for NGO's. However, minority religions (including Adventists, Pentecostals, Methodists, and all Eastern religions) cannot reclaim sales tax under the amendment, which they feel threatens to marginalize them even further. The churches took the case to the Supreme Court, which chose not to review it. However, in December the Government passed a new amendment to replace that which had passed in May. The new amendment set criteria under which direct contributions to churches are tax deductible; these criteria limit the benefit to 14 of the some 90 registered churches in the country.

In 1997 the Government signed a treaty with the Vatican to return church property confiscated by the Communist regime; the treaty also provided for a minimum state payment (separate from the annual negotiated support) of \$7.8 million (1.7 billion Huf). Similar compacts were signed with the country's three other historical religions in 1998. The Jewish community receives \$2.6 million (608 million Huf), and the Calvinist and Lutheran Churches each are entitled to \$4.3 million (1 billion Huf). Religious schools receive support per child in the same way that state schools do. Religious orders and schools have regained some property confiscated by the Communist regime.

Several synagogues have been built since World War II, generally replacing older demolished synagogues. The first completely new synagogue built since the war was constructed in 1998 at a Jewish summer camp in Szarvas.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—There are no restrictions on the movement of citizens within or outside the country, including on the rights of emigration and repatriation. However, local authorities have in some cases tried to expel Roma from towns or have taken advantage of situations (eviction for nonpayment of bills or condemnation of Roma homes) to relocate and concentrate Romani populations, in effect creating ghettos. The Government may delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with about \$40,000 (over 10 million Huf) in public debt may be denied travel documents. The Government requires that foreigners from countries that do not have a visa waiver agreement with Hungary obtain exit visas each time they leave the country, although blanket permission sometimes is available.

A total of 6,247 refugees from the former Yugoslavia are registered in the country. Most are in private housing, with only 506 housed in 3 permanent and 2 temporary refugee camps, or "reception centers," run by the Office of Immigration and Nationality (OIN), formerly known as the Office of Migration and Refugee Affairs (ORMA). (In January the Government established OIN as a central authority for asylum and immigration matters.) In addition to the three government-owned camps, two additional temporary camps are used through contracts with the NGO's that run them. They have been operating since 1991 and 1993, largely as a result of the influx of refugees fleeing the various conflicts and incidents of ethnic cleansing to the south. The Government estimates that there are as many as 5,000 asylum seekers and as many as 40,000 to 60,000 immigrants (the vast majority from Romania) living in the country in unregistered status; the local office of the U.N. High Commissioner for Refugees (UNHCR) believes that these figures is too high. OIN began drafting amendments to the country's asylum laws in June to comply with existing European Union (EU) regulations.

The Government provides first asylum and cooperates with the local office of the UNHCR and other humanitarian organizations assisting refugees. In 1999 the Government granted 313 out of 11,499 applicants refugee status under the Geneva Convention; 1,776 applicants were granted temporary protected status. During the first 9 months of this year, 151 out of 5,720 applicants were granted refugee status and 567 were allowed to stay on temporary protected status. The number of applicants, excluding Yugoslav citizens, increased by 8 percent. Of 11,299 applications submitted in 1999, 1,176 were Afghan, 1,176 from Bangladesh, 506 from Iraq, 228 from Sri Lanka, and 3,306 were from the former Yugoslavia. While the high number of Afghan refugees is not unusual, the significant increase in Yugoslav applicants in 1999 corresponded with the onset of a series of crises in Kosovo. In the months following the cessation of hostilities, many of these applications were withdrawn, and OIN authorities believe that many more refugees simply have gone home. A March

1998 law lifted Hungary's geopolitical reservation to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government now adheres completely to the provisions of this Convention. Under the old law, the Government only handled claims from European asylum seekers, and the UNHCR handled all other claims. The increase in caseload resulting from this change and from events in Kosovo and the resulting NATO action placed a tremendous strain on the OIN's resources, leading to the high number of pending cases and increasing the processing time per application. Prospective refugees who seek only to transit to Western Europe are encouraged to return to their countries of departure. There were approximately 1,831 asylum seekers located in 3 permanent and 2 temporary reception centers as of September 27. The Government has been criticized by NGO's and Western countries for inhuman conditions in detention facilities and the arbitrary application of asylum procedures. In February 1999, the Parliament's human rights Ombudsman criticized the conditions in border facilities as "uncivilized and intolerable." In response to this criticism, the Government has closed down the worst buildings within the centers and has begun the construction of others. There is an ongoing project to refurbish the border guards' community shelters. Of the eight currently in operation, three have been fully refurbished and reopened, and one reopened early in the year. The conditions in the older facilities are not good. The country, which has been dealing with refugee issues on a large scale for only the past 10 years, has borne a great deal of the refugee burden resulting from the Kosovo crisis, and the Government has sought to work with NGO's to improve conditions.

Aliens caught trying to cross the border illegally may apply for refugee status or are housed temporarily at one of eight border guard facilities throughout the country pending deportation. During the first 6 months of the year, 910 persons occupied the facilities, while in 1999 there were between 500 to 600 occupants. During the first half of the year, 5,798 illegal aliens were apprehended, while in 1999, 12,438 were apprehended. While police seek the timely deportation of detainees who do not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often result in lengthy stays. In 1999 the authorities expelled 12,000 foreigners from the country; however, there were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens age 18 and over have the right to change their government through national elections held at least every 4 years. Members of Parliament are elected through a complex voting procedure for individuals and party lists. The FIDESZ Hungarian Democratic Civic Party heads the coalition with the Smallholders' Party and the Hungarian Democratic Forum (the latter two parties formed the government coalition between 1990 and 1994 with the Christian Democrats, one segment of which later merged with FIDESZ.) The opposition includes the extreme rightwing Hungarian Justice and Life Party and two leftwing parties, the Hungarian Socialist Party and the Free Democrats.

No legal impediments hinder women's participation in government or the political process, although they are underrepresented in relation to their percentage of the population; only 33 of 386 parliamentary representatives are women, and 1 woman serves in the Cabinet. Few women occupy other leadership positions in the Government or political parties. Despite the lack of ensured minority representation, there are several Members of Parliament, including one ethnic German and one ethnic Slovak, who are members of ethnic minorities; however, none specifically represents their respective minority populations. There are no Romani Members of Parliament.

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

Numerous human rights organizations operate without government restriction or interference. Many NGO's report that the Government is generally responsive to their requests for information. An increasing number of NGO's are involved in the law-making process. However, individual police units and prosecutors reportedly are uncooperative at times, particularly in cases involving Roma or police abuses. There is also a 21member parliamentary Committee for Human, Minority, and Religious Rights.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still exists, particularly against

Roma. This is due to widespread prejudice, lack of positive reporting, and lack of opportunity for advancement.

Women.—Spousal abuse is believed to be common, but the vast majority of such abuse is not reported, and victims who come forward often receive little help from authorities. While there are laws against rape, often it is unreported for cultural reasons. Police attitudes towards victims of sexual abuse are often reportedly unsympathetic, particularly if the victim was acquainted with her abuser. Laws recognize rape within marriage. Women's rights organizations claim that 1 woman in 10 is a victim of spousal abuse and that societal attitudes towards spousal abuse are "archaic." In 1999 there were 4,668 reports of crimes against family, youth, and sexual morality; 4,589 such crimes were reported in 1998. In 1999 women were the victims of 103,855 crimes; they were the victims of 106,211 crimes in 1998.

The law does not prohibit sexual harassment in the work place. A 1995 report prepared under the auspices of the U.N. to evaluate compliance with the Convention on the Elimination of Discrimination Against Women termed sexual harassment in the workplace as "virtually epidemic." Women's groups report that there is little support for efforts to criminalize sexual harassment, and that harassment is tolerated by women who fear unemployment more than harassment. Under present law, acts of sexual harassment may be prosecuted under the defamation statutes (if violent, they are considered sexual misconduct).

Legally women have the same rights as men, including identical inheritance and property rights. In September 1999, the Office for Women's Issues started operating an anti-discrimination hot line, which operates 10 hours a day and offers free legal advice to women who feel that they were discriminated against with respect to employment. According to the head of the office, the hot line receives 20 to 30 calls per day. While there is no overt discrimination against women, the number of women in middle or upper managerial positions in business and government remains low, although the number of women in the police and the military has risen significantly over the past several years, with significant increase in 1999. Women are heavily represented in the judiciary and in the medical and teaching professions. A Women's Representative office was established in the Ministry of Social and Family Affairs to address women's issues more effectively. As of August 1, the Women's Representation Secretariat became an independent department within the Ministry.

Children.—The Government is committed to children's rights. Education is mandatory through 16 years of age, and employment is illegal below the age of 15. There is no societal pattern of child abuse, although NGO's report that neglect and abuse are common in state care facilities. In 1999 children were the victims in 8,977 crimes, while in 1998 they were the victim of 8,769 crimes.

People with Disabilities.—Government sources estimate that between 600,000 and 1 million persons (6 to 10 percent of the population) are disabled. Of these, 300,000 to 350,000 are considered seriously disabled and receive increased government benefits. A law that was passed in 1998 requires that all public buildings be made accessible to the disabled within 10 years. A Council for the Disabled was established in January 1999, under the chairmanship of the Minister of Social and Family Affairs. The Council serves as an advisory board to the Government. At present services for the disabled are limited, and most buildings are not wheelchair accessible. A 1997 decree requires all companies that employ over 20 persons to reserve 5 percent of their jobs for the physically or mentally disabled, with fines of up to 75 percent of the average monthly salary for noncompliance. In 1999 such fines yielded \$6 million (approximately 1.77 billion Huf) for rehabilitation funds for the disabled. While the Government appears to be ready to consider reviews for mentally disabled patients under limited guardianship, U.S.-based NGO Mental Disability Rights International (MDRI) and local NGO Hungarian Mental Health Interest Forum (PEF) note that contrary to internationally recognized norms, no review procedures exist for patients under plenary guardianship. MDRI and PEF also criticize the use of cages in government facilities for the mentally disabled.

Religious Minorities.—Early in the year, the Council of Europe's Commission Against Racism and Intolerance published a report that criticized the "latent anti-Semitism" in some media, in some elements of Parliament, and in society.

On November 2, some 30 gravestones were vandalized in Budapest. The damage to the stones was estimated to be \$16,000 (5 million Huf).

In July 1999, two skinhead members of the Arrow Cross Movement admitted to defacing 15 graves in a Jewish cemetery in Szombathely. The skinheads painted anti-Semitic graffiti on gravestones shortly before a Holocaust commemoration was to take place on July 3 in the cemetery. The desecration was criticized sharply by President Goncz. In November 1999, a municipal court found the two youths guilty and sentenced one skinhead to 1 year in prison, which was commuted to 3 years' probation, while the second skinhead was sentenced to 8 months in prison, which

was commuted to 2 years' probation. No new incidents of skinhead violence were reported during this year.

In August 1999, the "Protocols of the Elder of Zion," a notorious anti-Semitic forgery, was published and available for purchase in a Hungarian translation for the first time since World War II. The Jewish community in Nagykoros filed a complaint against the publication with the Prosecutor General. The publication also was criticized by the Calvinist Church and the Catholic Church, which expressed concern over the increasing problem of lack of "respect and tolerance" toward various religious communities. Also in August 1999, the Ministry of National Cultural Heritage criticized any defamation of religion and announced that it supported a call by the Confederation of Hungarian Jewish Communities (MAZSIHISZ) for the publication of a scholarly work in the country addressing the book's false claims. The Ministry of Culture later sponsored a lecture and reception to introduce that book.

In November 1999, MAZSIHISZ asked the Cabinet to take action against "Fascist, racist, and anti-Semitic" outbreaks that were a source of public concern. The organization objected to the planned rehabilitation of the country's World War II Prime Minister Laszlo Bardossy, the desecration of Jewish cemeteries, and the publication of anti-Semitic books. MAZSIHISZ argued that the law should be changed to prohibit the denial of the Holocaust. In response to the concerns of the Jewish Community, Orban tasked an official in the Ministry of Culture to oversee issues of concern to the Jewish community.

MAZSIHISZ and international Jewish organizations criticized as unfair a 1998 decision by the Government to provide \$128 (30,000 Huf) each to the heirs of Holocaust victims. In February 1999, the president of MAZSIHISZ said that hundreds of Holocaust survivors were returning compensation payments to the Government, protesting that the small amounts were an insult. Previous awards to the heirs of victims distributed by the Communist regime were \$4,255 (1 million Huf). The Orban Government provided the 30,000 Huf figure as a line item in the Fiscal Year 1999 budget, stating that this amount was all that could be paid out without budget imbalances. Opposition parties were seeking to hold a special parliamentary session on this and other issues, but the Government was opposed to resolving the issue in this manner. Although the figure of \$128 was accepted originally by the leaders of the Jewish Community who had negotiated with the Government, it generally is agreed that the amount is too small, and it is a matter of ongoing renegotiation. In December the Constitutional Court ruled that the negotiated amount was unconstitutional. After this ruling, the Prime Minister instructed the Ministry of Justice to investigate the matter further and to draw up a new compensation proposal.

On March 20, the Budapest court sentenced Ehem Kemal (Gyorgy Kemal in Hungarian) to 2 years imprisonment for inflammatory anti-Semitic speeches made in 1997. The sentence was suspended and replaced with 5 years probation. Kemal has appealed, and the case has been forwarded to the Supreme Court.

National/Racial/Ethnic Minorities.—The 1993 Law on National and Ethnic Minorities' Rights recognizes individuals' minority rights, as well as establishes the concept of collective rights of ethnic minorities, and states that it is their inalienable collective right to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. For an ethnic group to be recognized as such it has to have at least 100 years' presence in the country, and its members have to be citizens. On this basis, minority status is granted specifically to 13 national or ethnic groups (among which Roma are by far the most numerous). Other groups may petition the Chairman of Parliament for inclusion if they believe that they fulfill the requirements.

The law considers the establishment of local minority self-governments as a precondition for the enforcement of the rights of ethnic minorities. For this reason, local minority self-government elections, in conjunction with local government elections, have been held since 1994. Any of the 13 minorities can set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements. Since ethnicity is not registered officially, voting on minority self-governments is not limited to the minorities themselves; all the voters receive a minority ballot in addition to the local government ballot. The elected local minority self-governments can elect their national minority self-governments; all 13 minorities have formed national self-governments. To improve cooperation between local and national minority self-governments, the establishment of county level self-governments is planned for next year. This model of minority self-government has been criticized mainly on two grounds: first, several minority representatives have objected to the fact that members of the majority can vote for minority candidates and thus influence minority politics. The Government is currently collecting proposals for an amendment to the minority law

to define more precisely both the competencies of minority self-governments and their source of financial support. Second, critics call for an increase in the competence of the minority self-governments and considerably more financial resources for them. However, this would require modification of the law, which is not expected in the near future.

There were 770 Romani minority self-governments elected in the local elections in October 1998, a significant increase over the 477 elected self-governments in the first minority elections held in 1994. The new self-governments began operating in January 1999. Of these, 738 continue to function; the discrepancy reflected the number that ceased functioning between 1999 and this year due to a lack of funds. With some funding from the central budget and some logistical support from local governments, these bodies seek to influence and oversee matters affecting minorities. The Romani minority poses a special challenge for the system of national minority self-governments. In contrast to other minorities for whom the preservation of their identity and culture is the basic goal, the Roma also have to contend with the fact that they generally belong to the lowest socio-economic strata of Hungarian society. Ethnicity and poverty coincide with Roma; therefore, the Romani self-governments are faced with the task of improving the lives of their constituents with no additional resources. The concept of minority self-governments is in itself new, and policies still are evolving.

In 1995 Parliament appointed an Ombudsman—currently an ethnic German—specifically charged with defending minority rights.

Roma constitute at least 5 percent of the population, with some estimates going as high as 9 percent. In view of the higher birth rate among Roma compared with the general decline in the Hungarian population, this percentage is likely to remain constant or grow. This fact causes concern among a substantial portion of the majority population. Germans, the second largest minority group, constitute about 2 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians are recognized as ethnic minorities. Ethnicity and religion are only optional questions, so this may or may not provide a more accurate estimate of the actual numbers of the minority populations.

Education is available to varying degrees in almost all minority languages. There are minority-language print media, and the state-run radio broadcasts 2-hour daily programs in the mother tongue of major nationalities, i.e., Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carries a 30-minute program for each of the larger minority groups, complemented by 5-minute weekly news bulletins.

Conditions of life for the Romani community are significantly worse than among the general population. Roma suffer from discrimination and racist attacks and are considerably less educated, with lower than average incomes and life expectancy. The percentage of the country's Roma graduating from high school in 1993 was 1.6 percent compared with 23.8 percent for non-Roma; only 0.24 percent of Roma graduated from university compared with 9.45 percent for non-Roma. The unemployment rate for Roma is estimated to be 70 percent, over ten times the national average. With unemployment benefits exhausted and social services stretched thin, Roma often confront desperate situations. As of January 1, the Government has reduced the limit on unemployment benefits from 1 year to 9 months, which affects the Romani community disproportionately, with its high unemployment rate, and exacerbates the poverty of this large segment of society. This may likely reinforce negative stereotypes of Roma as poor, shiftless, and a social burden.

Roma continue to suffer widespread discrimination in education, housing, and access to public institutions, including restaurants and pubs. Roma and other civic organizations highlighted the practice of placing Roma children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in a form of de facto segregation. Although the children could be returned to the regular school system, only a small percentage return. In September 1999, the Minister of Education and the parliamentary Ombudsman for Minority Rights announced at a press conference that there is segregation in the country's educational system. The statement followed the publication of a report by the Ombudsman's office that found that the high proportion of Romani children in "special schools" for the mentally disabled was a sign of prejudice and a failure of the public education system. Schools for Roma are more crowded, more poorly equipped, and in markedly poorer condition than those attended by non-Roma. Only 1.5 percent of the Romani community graduate from high school, while 0.001 percent graduate from college or university. There are programs aimed at increasing these numbers (the Romaversitas program supports Romani students finishing degrees in institutions of higher education), and there are Departments of Roma Studies in the

Teachers' Training College in Pecs and Zsambek. However, the impact has yet to be significant. The Hungarian Helsinki Committee found that there are 132 segregated schools throughout the country. The Government contests these claims of human rights organizations and states that the Romani schools are designed to provide intensive help for disadvantaged children. An interministerial committee was established in the fall of 1999 and is led by the Minister of Justice. This committee was tasked with assigning Romani affairs desk officers in each ministry. There is currently such a desk officer in the Ministry of Education, who is himself a Rom. Several ministries have already accomplished this task, including the Ministry of Education, whose desk officer is a Rom.

In what is considered a landmark case, in July 1998 a court ordered a bar owner in the city of Pecs to pay a \$750 fine and take out a newspaper advertisement apologizing for refusing to serve a Rom.

Local officials have in some cases taken advantage of rules prohibiting overcrowded, unsafe, or unsanitary housing, or have punished nonpayment of utility bills by evicting Roma families, among others, from residences without providing alternative housing as the law requires. The European Roma Rights Center (ERRC) has reported cases of forced evictions during the year. For example, in the town of Ozd, ERRC visited apartment buildings from which Roma were forced to leave for renovations, many without having been given alternative housing for the duration and who may return only if they pay high fees for the costs of renovation. In some areas, this relocation and concentration of Roma populations has, in effect created ghettos. During the summer, laws on the tenancy of flats were amended to ease administrative procedures for evicting squatters. Under the new procedures, notaries public may authorize evictions and are required to enforce the order within 8 days, even if an appeal has been filed against the decision. Local NGO's worry that Roma families will bear the brunt of the new rules, saying that it expands the power of local officials to remove Roma from their homes.

The Government sponsors programs both to preserve Romani languages and cultural heritage and to assist social and economic assimilation. Oversight and budgetary control of the Coordination Council for Roma Affairs and the Office of National Ethnic Minorities were shifted from the Prime Minister's Office to the Ministry of Justice. In July 1999, the Government published an action plan designed to improve living conditions in Romani communities, with specific focus on public health, education, and work training. However, the plan provides no additional funds; rather, it redistributes already inadequate resources.

Early in the year, the Council of Europe's Commission Against Racism and Intolerance published a report that criticized the living conditions of the country's Roma population. It contends that the legal protection of Roma is ineffective and that regulations banning discrimination are insufficiently implemented. Government officials stress that the situation of the country's Roma is an issue that it is addressing.

Widespread popular prejudice against Roma continues. Police commonly abuse them (see Section 1.c.). Foreigners of color reported harassment by police and at border control checkpoints. The Martin Luther King Organization (MLKO), which documents assaults on nonwhites, reported a gradual decrease in the number of such incidents over the past several years, with three such cases in the first 9 months of the year. However, MLKO sources believe that many cases go unreported.

In 1997 changes to the Penal Code made it easier to enforce and stiffen penalties for hate crimes committed on the basis of the victim's ethnicity, race, or nationality. The law has already been applied several times.

In March the Prime Minister's Office brought legal action against Peter Szegvari, a high-ranking official in the office, for having suggested that contraceptives be distributed to the Romani population to combat "excessive multiplication."

In October 1999, a group of skinheads attacked two Roma at a pub in Kakucs. One Rom suffered serious injuries as a result of the beating. Local police began an investigation in the case, but no results were reported by year's end.

In August 1999, a group of approximately 30 persons attacked a Romani family in a village near Nyiregyhaza. The attackers beat male members of the family, eight of whom were treated in the hospital for injuries. Local police reported that they interrogated two suspects in the case.

Discrimination, poverty, and unresolved social problems continue to drive Roma emigration. In July, 47 members of a Roma clan from the village of Zamoly made the news this year when they applied for refugee status in France and indicated their intent to file suit against the Hungarian Government at the Strasbourg International Human Rights Court. Following 3 years of increasing tensions over adequate housing between members of the clan and the local community, 47 members of the family travelled to Strasbourg, where they have sought asylum. The Strasbourg court has agreed to review that asylum case and is temporarily housing

and maintaining the 47 applicants. In 1998 an investigation by the Ombudsman for Minority Affairs concluded that the local mayor had indeed denied basic social services due to the Roma. The Ministry of Foreign Affairs reacted to the asylum claims by announcing that the Roma family was free to return.

Section 6. Worker Rights

a. The Right of Association.—The 1992 Labor Code recognizes the right of unions to organize and bargain collectively and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views. With the exception of military personnel and police officers, they also have the right to strike. Under a separate 1992 law, public servants may negotiate working conditions, but the final decision on increasing salaries rests with Parliament.

The largest labor union organization is the National Confederation of Hungarian Trade Unions, the successor to the former monolithic Communist union, with over 735,000 members. The Democratic League of Independent Unions and the Federation of Workers' Councils have approximately 100,000 and 56,000 members, respectively.

There are no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with European and international trade union bodies.

b. The Right to Organize and Bargain Collectively.—The Labor Code permits collective bargaining at the enterprise and industry level, although the practice is not widespread and is discouraged actively in the growing private sector. Labor organizations appear willing to cooperate with one another; this is particularly evident in their relationship in forums such as the National Labor Affairs Council (OMT), which succeeded the Interest Reconciliation Council in April and which provides a forum for tripartite consultation among representatives from management, employees, and the Government. The OMT discusses issues such as wage increases and the setting of the minimum wage, which is negotiated centrally within the OMT in order to control inflation. Individual trade unions and management may negotiate higher wages at the plant level. The new Government disbanded the Ministry of Labor and split its work between the Ministry of Economy (covering policy issues) and the newly created Ministry of Social and Family Affairs (covering employment issues and responsible for drafting labor-related legislation). In January the Government assigned all labor responsibilities to the Ministry of Economy. Employers are prohibited from discriminating against unions and their organizers. The Ministry of Economy enforces this provision.

There are no export processing zones per se, but individual foreign companies have been frequently granted duty-free zone status for their facilities.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including that performed by children, and the Ministry of Economy enforces this prohibition.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children (see Section 6.c.). The Labor Code forbids labor by children under the age of 15 and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts, hard physical labor, and guaranteed overtime payments. The National Labor Center enforces these regulations in practice, and there does not appear to be any significant abuse of this statute. Education is compulsory through age 16. Roma are far more likely than non-Roma to stop attending school before age 16. The Government converted the family allowance into a school attendance allowance in September. This measure was intended to "force" children to go to school, but some Romani NGO's fear that this may be another form of discrimination against Roma, many of whom live in small villages with no high schools within manageable distance. Furthermore, the extreme poverty of many Roma makes it difficult for them to clothe their children appropriately for school. Taking away the family allowance is thus seen by Roma as punishment for neglecting to do something that they cannot afford. By the Government, however, it is perceived as a way to provide incentives for greater commitment to education among Roma and as an effort to end a cycle of poverty in which impoverished Roma bring up large and illiterate families, whose members themselves later may become public burdens.

e. Acceptable Conditions of Work.—The OMT establishes the legal minimum wage, which is subsequently implemented by Ministry of Economy decree. The minimum wage, \$85 (25,500 Huf) per month, is insufficient to provide a decent standard of living for a worker and family. This is only 35 percent of the average wage. Many workers supplement their primary employment with second jobs, and there are reports that many citizens, while officially earning the minimum wage, actually make

more. Reporting the minimum wage is a way for both employer and employee to avoid paying higher taxes.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, annual and sick leave entitlement, and labor conflict resolution procedures. Under the Code, the official workday is set at 8 hours; however, it may vary depending upon the nature of the industry. A 24-hour rest period is required during any 7-day period.

Labor courts and the Ministry of Economy enforce occupational safety standards set by the Government, but specific safety conditions generally are not consistent with internationally accepted standards. The enforcement of occupational safety standards is not always effective in part due to the limited resources that the Ministry of Economy is able to commit to enforcement. In theory workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment. Foreign firms generally meet or exceed international standards for occupational safety.

f. Trafficking in Persons.—Although the country was once primarily a source for women and children trafficked for the purpose of forced prostitution, it increasingly is a transit and destination point as well. Hungarian women are trafficked to Western Europe or other parts of the world, primarily to Austria, Belgium, Germany, Italy, and the Netherlands but also to Canada, Japan, Spain, Switzerland, and Turkey. Hungary receives persons from Eastern Europe, especially from Russia, Ukraine, and Romania, who either use the country as a point of transit, or who remain in the country as their final destination. According to the Office of International Migration (IOM), in 1998 3,200 persons were trafficked in the country, which makes up one quarter of all illegal migrants apprehended. In 1999 348 human smugglers were arrested, while this year the number rose to 569. These figures include both those who assist in the illegal migration of others and those trafficking in persons. The penalty for trafficking is between 1 and 5 years in prison; however, if an organized trafficking ring is involved, the sentence can be doubled. A recent amendment to the alien law provides for immediate expulsion from the country of foreign traffickers. The Government has concluded agreements with 10 European countries to facilitate improved police cooperation to combat organized crime and trafficking in persons. However, prosecution of traffickers is difficult because there is no legislation to protect victims. Parliament passed a resolution in July 1999 that called for a victim protection plan to be implemented no later than August 2001. Initial steps already taken include the creation of a Victim Protection Office in the Ministry of Interior, the establishment of a victim protection fund, and the posting of information brochures on victim protection in every police station. Branches of a new Victim Protection Office, which provide psychological support services and legal advocacy for victims, safeguard their rights, and attempt to minimize the trauma of trials, began operating in a few towns in the fall of 1999. This office does not deal exclusively or even primarily with victims of trafficking.

Many of the victims of trafficking are brought to the country by organized crime syndicates, either for work in Budapest's thriving sex industry or for transit to Western Europe or North America, to which some Hungarian smuggling rings also provide babysitters, housekeepers, and manual laborers. Russian-speaking organized crime syndicates are active in trafficking women primarily from Ukraine and other countries of the former Soviet Union to the EU via Hungary. Hungarian victims are mainly young women, although they also include men, middle-aged women, and children. They are recruited at discos and modeling agencies, through word-of-mouth, or even through open advertisements in local papers and magazines. Some know that the purpose of the trip is to perform illegal work, while others simply think they are using a back-door means of attaining a visa. Others plan to work but believe that the appropriate papers and permission will be obtained by the organizers, who turn out to be traffickers. IOM continued a program funded by the European Union to raise awareness of the problem of trafficking and to educate potential victims.

ICELAND

Iceland is a constitutional republic and a parliamentary democracy in which citizens periodically choose their representatives in free and fair multiparty elections. The judiciary is independent.

Elected officials control the police force, which scrupulously observes and enforces the laws that ensure protection of human rights.

Iceland has a mixed, open economy that provides residents with a high standard of living. The leading exports, fish and other marine products, account for almost 70 percent of export revenues. An abundance of cheap hydroelectric power provides a comparative advantage for the main manufacturing activity—aluminum smelting. Aluminum is the second leading export. Growth was expected to approach 4 percent in 1999.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Human rights monitors expressed concern about the Government's frequent use of solitary confinement for remand prisoners. The Government is taking steps to deal with violence against women. Some societal discrimination against women persists, especially in the area of equal pay. Instances of suspected trafficking in women were reported.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Torture and other cruel, inhuman, or degrading treatment or punishment are prohibited by law and do not occur.

Prison conditions generally meet minimum international standards. Most of the country's small prison population (less than 100 inmates total) is held at Litla Hraun Prison in Reykjavik, which includes a state-of-the-art detention facility opened in 1995. However, the prison system still uses a substandard jail (Hegningarhúsið in downtown Reykjavik) to hold a small number of prisoners, where the individual cells lack toilets and sinks.

Human rights monitors have expressed concern about the use of illegal drugs by some inmates at Litla Hraun Prison and about the lack of social services to help inmates overcome drug addiction and prepare them for eventual release. Despite the small inmate population at Litla Hraun, the authorities have not been able to stop narcotics from being smuggled into the prison.

In a 1999 report, the European Committee for the Prevention of Torture (CPT) expressed concern during its visit to Litla Hraun prison in 1998 that nearly all detainees still were placed in solitary confinement while their cases were under investigation. While the average duration of solitary confinement was between 2 and 3 weeks, the CPT noted that in some cases, solitary confinement lasted up to 3 months. Under the strictest form of solitary confinement, prisoners cannot leave their cells, except briefly to exercise alone or to use the showers, and are not allowed to listen to the radio, watch television, or receive visitors other than their lawyers, the prison doctor, and a chaplain. In November 1999, the supervising doctor at Litla Hraun wrote to prison authorities, warning that the mental health of several prisoners awaiting trial on drug trafficking charges could be in danger due to the extended time that they were expected to spend in solitary confinement.

In a preliminary response to the CPT report on September 30, 1999, the Government argued that solitary confinement was absolutely necessary in some circumstances to keep suspects from tampering with witnesses, destroying evidence, or hindering the investigation. On the other hand, it conceded that "in the vast majority of cases" incarceration alone was sufficient to protect the integrity of witnesses and evidence. However, the Prison and Probation Administration's statistics show that solitary confinement has been the rule rather than the exception, with most of those arrested being placed into solitary confinement, at least initially.

In May the European Court of Human Rights ruled in favor of an Icelandic woman who had been denied compensation for wrongful arrest on the grounds that she had not cooperated with police. The woman was held in solitary confinement for 5 weeks in 1989 in connection with a drug case before being cleared and released. The Government since has changed the law to make it easier for victims of wrongful arrest to receive compensation, recognizing the principle that all detainees should be presumed innocent until proven guilty.

With the closing of the Sudumuli remand prison in 1996, the Government passed a law in 1998 that allows pretrial detainees to be incarcerated with the general prison population. Some human rights monitors claim that this law is inconsistent with the country's obligations under the European Human Rights Convention and European prison rules issued by the Council of Europe.

Juveniles who are 15 years of age or older can be sentenced to prison terms, but the vast majority of juvenile offenders are given probation or suspended sentences

or agree to attend a treatment program instead of going to jail. In the rare instances when juvenile offenders are incarcerated, they are confined with the general adult prison population due to the lack of a separate detention facility for juveniles. In its 1999 report, the CPT stated that it was "very concerned" about the current situation and recommended that the Government take "immediate steps . . . to ensure that juvenile prisoners are held separately from adults." In signing the u.n. Convention on the Rights of the Child in 1990, the Government entered a reservation on the provision requiring the separation of adult and juvenile prisoners. Government officials said that it is not practical to establish and operate a separate facility for juvenile prisoners in a small country like Iceland because the requirement to incarcerate a juvenile occurs so infrequently.

The Government permits prison visits by human rights monitors.

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

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

There are two levels of courts. A five-member Judicial Council appointed by the Minister of Justice administers the district courts, while the Supreme Court guards its independence and fairness by administering itself. All judges, at all levels, serve for life.

The judiciary provides citizens with a fair and efficient judicial process. Juries are not used, but multijudge panels are common, especially in the Supreme Court, which hears all appeals. Depending on the seriousness of the case, a Supreme Court panel can include from three to seven judges. Defendants are presumed innocent. They are provided access to legal counsel of their own choosing with sufficient time to prepare their defense. For defendants unable to pay attorneys' fees, the state covers the cost, as set by the court, but defendants are required to reimburse the state. Defendants have the right to be present at their trial, to confront witnesses, and to participate otherwise in the proceedings. No groups are barred from testifying, and all testimony is treated alike. The courts have the discretion to allow the introduction of evidence obtained illegally by the police. With limited exceptions, trials are public and conducted fairly, with no official intimidation. Defendants have the right to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

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

c. Freedom of Religion.—Although the official state religion is Lutheranism, the Constitution provides for freedom of religion, and the Government respects this right in practice. The salaries of Lutheran ministers are paid by the state. Citizens 16 years of age and above are presumed to be members of the state church and are required to support the church by paying a tax, unless they designate another religious denomination to receive their tax payment. The religion tax payment of persons who choose not to belong to any specific, organized religious group goes to the University of Iceland. Religious instruction in Christianity is required in the public schools, although students may be exempted.

A new law passed by Parliament in December 1999 (Law No. 108) sets specific conditions and procedures that religious organizations must follow in order to be recognized officially and registered by the State. Such recognition is necessary in order for religious organizations other than the state church to receive a per capita share of church tax funds. The 1999 law is narrower in scope than the 1975 law it replaced and applies only to religious organizations that are seeking to be, or are already, officially recognized and registered. No restrictions or requirements are placed on unregistered religious organizations, which have the same rights as other groups in society. The law is considered necessary to deal with frequent attempts by individuals to obtain recognition of religious organizations simply to receive the tax income benefits.

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

Although neither the Constitution nor the 1965 Law on the Supervision of Foreigners includes provisions for granting refugee or asylee status in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 protocol, in practice the Government adjudicates cases in accordance with their principles. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross, and other humanitarian organizations in assisting refugees.

However, human rights monitors have expressed concern about the lack of a modern and comprehensive immigration law to govern the processing of asylum seekers and to provide a framework for the handling of foreigners and immigrants in general. In particular there is concern that the Supervision of Foreigners Law gives police and custom officers at ports of entry too much discretion to deny admission to asylum seekers whose claims they deem to be not "credible."

In response the Government states that official discretion is rarely exercised and that none of the 42 individuals who were denied entry to the country during the first 9 months of 2000 requested asylum. Nevertheless, many government officials agree that a comprehensive and modern immigration law is necessary.

In view of the country's geographic isolation and the lack of direct transportation from any traditional source of refugees, the question of first asylum rarely arises. However, the Directorate of Immigration (which is responsible for adjudicating applications for asylum) and the Icelandic Red Cross (which houses and assists asylum seekers under a contract with the Government) report that 24 individuals applied for asylum during the year, compared with 17 in 1999. None was found to qualify for refugee status (several cases were still under consideration or on appeal), but the 1999 application of an individual who claimed to be 17 years old and fleeing persecution in central Africa was approved. It was the first application for asylum status ever approved. There were no reports of asylum seekers being detained or forcibly expelled during the year.

The Government accepted 23 UNHCR-designated "quota" refugees from the former Yugoslavia during the year, continuing a program begun in 1996 of bringing in 20 to 25 refugees from the region each year. In 1999 the Government also admitted 75 Kosovar refugees into the country, 37 of whom since returned to Kosovo with the financial support of the Government. Local government authorities in the towns where refugees settle take a strong interest in helping them adapt to their new environment. The Icelandic Red Cross, in cooperation with the Refugee Council of the Ministry of Social Affairs, developed a support family program, whereby at least three Icelandic families are enlisted to assist each refugee or refugee family. The refugees immediately are granted work permits and assisted in finding jobs. For the first year, they also are given free housing, utilities, and health care and receive a stipend so that they can participate daily in a special half-day language course designed specially for them. Refugees generally are successful in assimilating into society, but their children generally drop out of school earlier than children of citizens.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The most recent elections to the Althingi (unicameral Parliament) were held in May 1999.

Women are underrepresented in government and politics, but no legal or practical impediments hinder their participation. Some human rights monitors criticized the Minister of Justice (herself a woman) for filling a vacancy on the Supreme Court during the year by choosing the sole male candidate (who had never served on the bench) over three experienced female district court judges. Only one of the nine Supreme Court justices is a woman. Similarly, only 2 of 12 ministerial permanent secretaries (civil servants who function as deputy ministers) are women.

Women have greater representation in politics. Of the 12 government ministers, 4 are women, and women hold 24 of the 63 seats in Parliament. There has been a marked increase in the number of female parliamentarians elected since the Women's List (WL), a feminist political party, was founded in 1983. The WL forced the established political parties to nominate more female candidates or face losing support. The WL disappeared from the scene as the result of a political party merger, but its legacy survives. Women's issues have moved into the mainstream of political debate, and all of the major political parties now have at least one woman in a prominent leadership position.

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

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

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

The country's ethnically homogenous population is strongly egalitarian and opposed to discrimination based on any of these factors. The law and practice generally reflect this attitude.

Women.—Violence against women continued to be a matter of concern. A public women's shelter offers counseling and protection to victims of domestic violence and their children. Approximately 340 women used the shelter during the year, 94 of whom sought temporary lodging, while the rest asked for counseling or information. About 60 children accompanied their mothers to the shelter during the year. At a rape trauma center, between 300 and 400 women and children seek assistance annually. Both facilities are financed by national and municipal governments, as well as by private contributors. The emergency ward of the National Hospital in Reykjavik has a special staff to care for rape victims. It reports approximately 100 visits per year associated with incidents of sexual abuse.

A police program to train officers in correct interrogation procedures in rape and sexual abuse cases appears to be addressing prior concerns that police indifference and hostility to female victims did not assure proper attention and consideration for victims of such abuses. Parliament passed legislation in May that gives courts the power to issue restraining orders, an action that human rights monitors praised as a potentially useful legal tool in keeping abusive husbands away from their spouses.

A large majority of victims nevertheless decline to press charges, and even more forgo trial, fearing publicity in this small, tightly knit society. With an increasing number of interracial marriages, mostly involving Icelandic men and Asian women, there is concern that these new Asian immigrants are not assimilating well into local society and could be vulnerable to mistreatment. To address this concern, the city of Reykjavik offers these immigrant women emergency accommodation, counseling, and information on legal rights, language training, and Icelandic societal norms.

There were indications that some foreign women were trafficked to work as strip-tease dancers or prostitutes against their will (see Sections 6.c. and 6.f.). The sale of sex for money is not illegal per se, but it is against the law for someone to engage in prostitution as his or her main source of income. It is also illegal to act as an intermediary in the sale or procurement of sex.

The rate of participation by women in the labor market is high. In part this reflects the country's comprehensive system of subsidized day care, which makes it affordable and convenient for women to work outside the home. The Act on the Equal Status of Men and Women requires that preference be given to the hiring and promotion of women in areas where they are underrepresented, as long as they are equal in all other respects to their male job seekers. Despite laws that require equal pay for equal work, a sizeable pay gap continues to exist between men and women. A survey by a union in Reykjavik showed that women, on average, earned 30 percent less than men. A 12 percent difference in pay is attributable to the fact that men work 4.2 more hours per week than women, but the rest of the gap is unexplained.

Parliament passed legislation during the year that gives fathers the same right as mothers to paid leave upon the birth of a child. When the law is fully implemented in 2003, both mother and father will be allowed to take 3 months of paid leave, with an additional 3 months that can be taken by either parent or shared between them. Previously, a mother was given 6 months of paid maternity leave and the father just 2 weeks. The new leave requirements apply equally to the public and private sectors.

Children.—The Government demonstrates its strong commitment to children's rights through its well-funded systems of public education and medical care. School attendance is compulsory through the age of 15. About 85 percent of students continue to upper secondary education, which is financed completely by the State. The Government provides free prenatal and infant medical care, as well as heavily subsidized childcare. The Office of the Children's Ombudsman in the Prime Minister's Office has a mandate to protect children's rights, interests, and welfare by, among other things, exerting influence on legislation, government decisions, and public attitudes.

There is no societal pattern of abuse directed against children.

In an effort to improve the rate of prosecution of child sexual abuse and lessen the trauma to the child, the Government in 1998 established the Children's Assessment Center. The objective of the center is to create a safe and secure environment where child victims feel more comfortable talking about what happened to them and are not subjected to multiple interviews. The center brings together police, prosecutors, judges, doctors, and officials from child protection services. However, a 1999 change in the Code of Criminal Procedure inadvertently undermined the center by making judges (instead of the police) responsible for the investigatory interview of abused children and by allowing these interviews to be conducted in specially designed rooms at district courthouses. In September the Supreme Court upheld the right of a Reykjavik district court judge to hold an investigatory interview in the courthouse rather than at the assessment center. As of September, only about 20 percent of child sexual abuse cases were being handled through the center, a development that human rights monitors claim is a step backwards in the protection of children's rights.

People with Disabilities.—Disabled individuals are not subject to discrimination in employment, education, or the provision of other state services. A 1992 law calls for the disabled to have the right to “all common national and municipal services” and provides that they be given assistance to “make it possible for them to live and work in normal society with others.” The law also provides that the disabled should receive preference for a government job when they are qualified equally, or more qualified, than regular applicants.

Building regulations updated in 1998 call for public accommodations—such as hotels, restaurants, banks, and stores—as well as government buildings to be accessible so that persons in wheelchairs have access without assistance. Building regulations also specify that elevators in such buildings should be large enough to accommodate wheelchairs and that 1 percent of parking spaces (a minimum of one space) should be reserved for disabled use only. Moreover, the regulations specify that, to the extent possible, the sidewalk outside the main entrance of a public accommodation or government building should be heated so that it remains clear of ice and snow throughout the winter.

The 1997 Planning and Building Act provides that violations of these regulations are punishable by a fine or a jail sentence of up to 2 years. However, the country's main association for the disabled complains that enforcement is lax and that penalties are rarely assessed for noncompliance. Access to new buildings tends to be good, while efforts to make old buildings more accessible have lagged. A government committee is currently doing a systematic survey of all state-owned buildings in the country to evaluate their accessibility. Since 1995 the Reykjavik city government, in cooperation with local associations representing bicycle riders and the blind, has been systematically beveling sidewalks at intersections throughout the city to facilitate the movement of pedestrians, bicyclists, and disabled persons in wheelchairs. The city is spending about \$175,000 a year on this project, which it aims to have completed by 2006.

In what was heralded as a major human rights victory for the disabled, the Supreme Court ruled in December that the Government's practice of basing a disabled person's social security payment on the income of his or her able-bodied spouse or partner was unconstitutional. The Court said that such means testing violated constitutional protections regarding equality and support for the disabled and that it was contrary to the country's obligations under the International Covenant on Economic, Social, and Cultural Rights. At year's end, the Government appointed a committee to study the court ruling, a move that the Association of Disabled Persons criticized as a delaying tactic. It called on the Government to take immediate action to end the means testing and reimburse disabled persons for past reductions in their social security payments.

National/Racial/Ethnic Minorities.—Concern was voiced during the year that the rapidly increasing number of foreigners being brought into the country to meet the labor shortage in fish processing and other less desirable occupations could lead to future problems, especially in the event of an economic downturn. At the end of 1999, 7,271 foreigners were living in Iceland, or about 3 percent of the population, according to the statistics office. However, persons of foreign origin actually constituted 4 or 5 percent of the population when account is taken of individuals who were born in foreign countries but have since become citizens. New work and residence permits were issued at a rate of about 150 per month during the year. Many of these “temporary” workers come from Central and Eastern Europe and the former Soviet Union, and the Directorate of Immigration expected most of them to seek to remain permanently rather than return to their countries of origin.

Human rights monitors expressed concern about the establishment in 1997 of an ultra-nationalist organization called the Association of Icelandic Nationalists, whose

motto is "Iceland for Icelanders." The avowed aim of the association is to prevent further settlement of foreigners of other than European origin in the country. Some human rights monitors claim that the Government is not living up its obligations under Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination because there is no law that prohibits organizations that promote and incite racial discrimination.

Section 6. Worker Rights

a. The Right of Association.—Workers make extensive use of the right provided by the Constitution to establish organizations, draw up their own constitutions and rules, choose their own leaders and policies, and publicize their views. The resulting organizations are controlled neither by the Government nor by any single political party. Unions take active part in Nordic, European, and other international trade union bodies. With the exception of limited categories of workers in the public sector whose services are essential to public health or safety, unions have had and used the right to strike for many years. Approximately 80 percent of all eligible workers belong to unions. During the year, 3 major strikes took place: A 2-week strike in the spring by most of the unskilled and semiskilled labor unions outside of Reykjavik, a 2-month strike during the summer by the main bus drivers' union, and a 2-month strike at the end of the year by secondary school teachers. The teachers' strike, which was the longest such strike in the country's history, led some students to leave school and take up full-time jobs.

b. The Right to Organize and Bargain Collectively.—Union membership is not impeded in law or practice. Employers are required to withhold union dues (1 percent of gross pay) from the pay of all employees, whether or not they are union members. This is because union dues help support, among other things, disability, strike, and pension funds to which all workers are entitled.

The various trade unions and management organizations periodically negotiate collective bargaining agreements that set specific terms for workers' pay, hours, and other conditions. New collective bargaining agreements were negotiated in the spring of 2000, and most will expire in either 2003 or 2004. The Government played only a minor role in the bargaining process, providing mediation assistance in a few cases (through the State Mediator's Office) while generally encouraging wage restraint to limit inflation. The new contacts provide that if inflation exceeds expectations during the first year, the unions have the right to seek renegotiation of the wage terms. In recent years, the Government has played almost no role in the private sector collective bargaining process, other than generally to encourage wage restraint that would help to limit inflation.

Labor courts effectively adjudicate disputes over contracts and over the rights provided for in the 1938 Act on Trade Unions and Industrial Disputes, which prohibits antiunion discrimination. By law employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In practice the charges are difficult to prove.

In 1996 Parliament passed legislation updating the labor laws and bringing them into compliance with the European Convention on Human Rights.

There are no export processing or other special economic zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor is prohibited by law and does not occur; however, some women reportedly were coerced to work as striptease dancers or prostitutes (see Sections 5 and 6.f.), and work permit practices could leave workers vulnerable to abuse by employers (see Section 6.e.). The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.). The law requires children to attend school until the age of 16 and prohibits the employment of younger children in factories, on ships, or in other places that are hazardous or require hard labor. This prohibition is observed in practice. Children 14 or 15 years old may be employed part time or during school vacations in light, nonhazardous work. Their work-hours must not exceed the ordinary work hours of adults in the same occupation. The Occupational Safety and Health Administration enforces child labor regulations.

The Government ratified ILO Convention 182 on the worst forms of child labor in May.

e. Acceptable Conditions of Work.—No minimum wage is mandated legislatively, but the minimum wages negotiated in the various collective bargaining agreements apply automatically to all employees in those occupations, whether they are union members or not. Union membership is so extensive and effective that labor contracts

afford even the lowest paid workers a sufficient income for a decent standard of living for themselves and their families.

Workers are protected by laws that effectively provide for their health and safety as well as for unemployment insurance, paid vacations, pensions, and reasonable working conditions and hours. The standard legal workweek is 40 hours, which includes nearly 3 hours of paid breaks. Work exceeding 8 hours in a workday must be compensated as overtime. Under changes that took effect during the year, workers are entitled to 11 hours of rest (up from 10 hours previously) within each 24-hour period and to a day off every week. Under defined special circumstances, the 11-hour rest period can be reduced to 8 hours, but the worker must then be compensated with 1.5 hours of rest for every hour he received less than 11 hours. The day off can be postponed by a week, in which case the worker has a right to 2 additional hours off in the following week. Health and safety standards are set by Parliament and administered and enforced by the Ministry of Social Affairs through its Occupational Safety and Health Administration, which can close down workplaces until safety and health standards are met. Workers have a collective, not an individual, right to refuse to work in a place that does not meet the criteria of occupational safety and health. Firing workers who report unsafe or unhealthy conditions is illegal.

However, in the case of newly arrived foreign workers or refugees (i.e., those who have been in the country for less than 3 years), human rights monitors expressed concern that the Government's practice of issuing the applicable work permit to the employer rather than to the individual concerned could leave the worker vulnerable to abuse by the employer.

f. Trafficking in Persons.—The law does not specifically criminalize trafficking in persons; however, a number of provisions in the Penal Code can be used to prosecute such cases.

Although no charges have ever been filed, trafficking in women is suspected in connection with the hundreds of foreign women who enter the country to work in striptease clubs. The main concern is that some of the women, especially those from Eastern and Central Europe, are being brought to Iceland under false pretenses and then coerced to work as striptease dancers or prostitutes. The police believe that the foreign women also may be used to bring illegal drugs into the country.

Parliament passed legislation in May that closed a loophole that allowed striptease dancers to enter the country and perform without a work permit for up to 4 weeks under an exemption given for "artists." Now any foreign woman (except those from the Nordic area and countries of the European Economic Area) seeking to come to the country to work as a striptease dancer must first obtain work and residence permits, which are typically valid for 3 months. However, the Government has not yet put any numerical limits or other controls on the issuance of work permits for foreign striptease dancers. The clubs are allowed to bring in as many as they want. One check is provided by the Icelandic Federation of Labor. The Federation reviews the work permit applications and labor contacts for striptease dancers (under the law, all work permit applications must be reviewed and approved by the "relevant" labor union) and ensures that the dancers are afforded the minimal labor protections and benefits.

The number of women entering the country for such work, while still based on anecdotal evidence, has fallen to a few hundred since they can now stay longer legally. By year's end, there had been no arrests in connection with these activities.

IRELAND

Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. The Government consists of an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, a directly elected president, and an independent judiciary.

The national police (Garda Siochana) are under effective civilian control and have primary responsibility for internal security. Since the police are an unarmed force, the army acts in their support when necessary—the latter under the effective civilian control of the Minister for Defense. Ireland's principal internal security concern has been to prevent the spillover of terrorist violence from Northern Ireland. With the signing of the Good Friday Peace Agreement on April 10, 1998, virtually all parties in Northern Ireland acknowledged the goals of democracy, peace, and reconciliation. All major paramilitary groups, on both sides of the border, have declared permanent cease-fires. Members of the police have committed some human rights abuses.

Ireland has an open, market-based economy that is highly dependent on international trade. Over the last 2 decades it has been a large net recipient of funds from the European Union (EU), and this assistance has helped to address imbalances in the socioeconomic environment. Strong economic growth over the past few years lowered unemployment to 4.4 percent, the lowest in 30 years.

The Government generally respected the human rights of its citizens. Human rights problems arise primarily from: Instances of abuse by the police; prison overcrowding and substandard facilities; the continuation of special arrest and detention authority and the nonjury court; the occasional censorship of films, books, and periodicals; violence and discrimination against women; the abuse of children; and discrimination against asylum seekers and Travellers (an itinerant ethnic community).

As stipulated in the Good Friday Agreement, the Government established a human rights commission in July, which is to cooperate with a parallel commission in Northern Ireland. The human rights commissions are to provide information and promote awareness of human rights, comment on human rights draft legislation referred to them by the legislatures, make recommendations to the governments on the adequacy and effectiveness of laws and practices, and initiate court proceedings or provide assistance to individuals doing so. The Good Friday Agreement also mandates equivalency with regard to protection of human rights in Northern Ireland and the Republic of Ireland. To this end, the Government at year's end was preparing legislation which would allow for an 'interpretive incorporation' of the European Convention on Human Rights into Irish law.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

During the year, the Garda in the Republic of Ireland and the Royal Ulster Constabulary (RUC) in Northern Ireland cooperated in questioning 87 persons in connection with the August 1998 Omagh bombing that killed 29 people and injured hundreds. To date only one person, Colm Murphy, has been charged in connection with the bombing. Murphy, an Irish citizen charged with conspiracy to cause an explosion, is expected to stand trial in Dublin in 2001. In October 2000, at the conclusion of the inquests of 28 of the 29 victims, the RUC announced that it knew of 15 suspects responsible for the bombing but lacked evidence sufficient to charge and prosecute them.

In May 1999, the Commission for the Location of Victims' Remains, a joint body made up of representatives from the Republic and Northern Ireland, began efforts to locate the remains of nine persons, termed the "disappeared," abducted and killed by the Irish Republican Army (IRA) in the 1970's.

Pursuant to joint Irish and British legislation granting limited immunity to IRA members involved in these acts, information was given to the Commission by the IRA on the location of the nine bodies. In 1999 the remains of three of the nine victims were recovered and returned to their families. In January 2000 the Commission halted excavations until May, when digging resumed for another 3 weeks following receipt of new information from the IRA. At the end of May, the Commission again suspended the search pending new information from the IRA. Work 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 law prohibits such practices, and officials generally did not employ them. However, there were instances of abuse of detainees and prisoners. While the mistreatment of persons in police custody is not widespread, detainees filed a number of cases claiming damages for injuries sustained while in police custody.

Human rights organizations have called for the establishment of an independent ombudsman or authority to investigate complaints against the police. It would replace the current statutory board, the Garda Síochána (Police) Complaints Board, through which the Garda authorities investigate alleged misconduct by their peers. In 1999 the Board received 1,264 complaints, a decrease from 1,400 complaints in 1998. The complaints included charges of criminal behavior (mistreatment or abuse). After a review process conducted in accordance with the 1986 Garda Síochána (Complaints) Act, 192 cases were referred to the Director of Public Prosecutions, who directed that members of the Garda Síochána be prosecuted in 9 of those cases. None of the 9 cases reportedly resulted in convictions.

The Board also referred 20 of the complaints to an internal disciplinary body in 1999. Of the nine cases dealt with by year's end, five were found to involve wrong-

doing. The Board in addition sent 28 complaints directly to the Garda Commissioner for disciplinary action.

In response to a pan-European program, "Police and Human Rights 1997–2000," the Garda Commissioner in late 1999 launched the Garda Siochana Human Rights Initiative for 1999–2000 in order to further develop policing practices that uphold human rights. This initiative focused on the training of officers (from the senior level to incoming students), a review of practices and procedures, and increased coordination and cooperation with NGO's. In addition to this initiative, the Government introduced the recording of questioning of suspects in Garda stations, a practice designed to deter further abuse or mistreatment.

Ireland has a low incarceration rate (80 inmates per 100,000 population), and the prison regime is generally liberal. However, the physical infrastructure of many prisons is inadequate. Following charges that prisons are overcrowded and lack in-cell sanitation facilities such as toilets and running water, many are undergoing renovation. In addition prisons lack sufficient health care facilities and services. Cloverhill remand prison and Mountjoy women's prison (the Dochas Center), both unable to accept inmates at their initial openings in 1999, are now fully operational. These new facilities are designed to accommodate a further 1,200 prisoners and thereby help reduce overcrowding.

Prisoners with complaints of mistreatment by prison officials or negligence of health and safety due to prison conditions have ready access to mechanisms for redress. However, according to the Justice Department, no allegations of mistreatment of prisoners were leveled against the Prison Service during the year, and no similar claims were left outstanding from previous years. However, 44 complaints were made in 1998, the last year for which statistics are available. The authorities continued to arrest and incarcerate at Portlaoise prison persons involved in paramilitary activity. Conditions for these inmates are the same, if not better, than those for the general prison population.

Domestic and international human rights monitors are permitted to visit prisons without reservation. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited prisons in 1998. In December 1999, the Government responded to the CPT's report with plans for improving conditions. In May 2000 the Government published a followup report as requested by the CPT.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution stipulates that no person shall be deprived of personal liberty without due process under the law; however, special arrest and detention authority continued. A detainee has the right to petition the High Court, which is required to order release unless it can be shown that the person is being detained in accordance with the law. The 1984 Criminal Justice Act provides for an initial period of detention of 6 hours, with an extension of another 6 hours when a police officer of the rank of superintendent or above so directs, in cases in which there are grounds for believing that such detention is necessary for the proper investigation of an offense. A continuation of detention of 8 hours overnight is possible, to allow a detainee to sleep.

In cases covered by the 1939 Offenses Against the State Act, the initial period of detention without charge is 24 hours on the direction of a police superintendent; detention can be extended another 24 hours by a judge. This act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense," i.e., one involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to "prevent actions and conduct calculated to undermine public order and the authority of the state," it is not restricted to subversive offenses. Therefore, the police have broad arrest and detention powers in any case involving firearms. However, under the terms of the Decommissioning Law enacted in 1997 in support of the Northern Ireland peace process, proceedings may not be instituted against persons in relation to any offense that may be committed in the course of decommissioning illegally held arms in accordance with an approved arms decommissioning scheme.

The 1939 act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the State." While this power has not been invoked since the late 1950's, the Government could do so by simply issuing a proclamation.

An amendment to the 1939 Offenses Against the State Act was enacted in the wake of the Omagh bombing in 1998. The amendment allows police to detain suspects in certain crimes, usually involving serious offenses with firearms or explosives, for 48 hours, with a possible 24-hour extension if approved by a judge.

The legislation also curtails the right of silence. Under the amendment, if the accused was informed of the consequences of remaining silent to questions regarding

his whereabouts, associations, or actions, then the accused's silence may be used as corroborative evidence of guilt. The accused person's failure to respond to accusations of membership in an illegal organization also may be used as corroborative evidence of guilt. However, the accused cannot be convicted based solely on his refusal to speak.

Membership in or leadership of an illegal organization carries a possible life sentence under the new amendment (illegal organizations are defined by the 1939 Offenses Against the State Act). The word of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in a serious offense carries a penalty of up to 10 years' imprisonment, a fine, or both. Withholding information that could prevent a "serious" offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years' imprisonment, a fine, or both.

The Government established a committee, chaired by a justice of the district court, to investigate allegations that the legislation violates international human rights conventions. The legislation, which was set to expire in June, was extended in July for an additional 12 months. The committee was expected to report its findings by the end of the year.

The 1996 Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking. However, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

Following approval in 1996 of a referendum calling for stricter bail laws, legislation was enacted in 1997 that allows a court to refuse bail to a person charged with a serious offense where it is considered reasonably necessary to prevent the commission of another serious offense. A schedule of serious offenses is contained in the bill; the offense must be one that carries a penalty of 5 years' imprisonment or more. In May the courts implemented the entire bail act following a delay due to a lack of prison accommodations.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system includes a district court with 23 districts, a circuit court with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court. The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, a state official with independent status, prosecutes criminal cases. Jury trial is the norm. The accused generally may choose an attorney. For indigent defendants, the State assumes the cost of counsel under the criminal legal aid scheme.

However, the Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." In 1972, under the 1939 Offenses Against the State Act, the government created a nonjury "Special Criminal Court" (SCC) to try "scheduled offenses" (see Section 1.d.). Largely a reaction to the spillover of paramilitary violence from Northern Ireland, the use of the SCC was justified over the years to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. The continued need for the SCC is being kept under review by the Government.

During the first 6 months of the year, the SCC indicted 25 persons and held 14 trials, compared with 25 indictments and 18 trials in all of 1999. In addition to "scheduled offenses," the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC if he certifies that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace.

In lieu of a jury, the SCC always sits as a three-judge panel. Its verdicts are by majority vote. Rules of evidence are essentially the same as in regular courts, except that the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence. Sessions of the SCC are usually public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

Under the terms of the Good Friday Agreement, releases continued of those imprisoned for crimes related to the terrorist campaign in Northern Ireland. Prisoners belonging to organizations that have declared permanent cease-fires and who have committed themselves to work through peaceful, democratic means are the only persons qualified for this program. All releases were completed by July.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the law prohibit such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides individuals with the right to “express freely their convictions and opinions.” However, freedom of the press is subject to the constitutional qualification that it not “undermine public order or morality or the authority of the state.” The publication or utterance of “blasphemous, seditious, or indecent matter” is prohibited by the Constitution. While the press in practice operates freely, the 1961 Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the 1963 Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) are believed to result in some self-censorship.

Broadcasting remains mostly state controlled, but private sector broadcasting continues to grow. There are 43 independent radio stations and an independent television station. Expanded access to cable and satellite television is lessening considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The 1960 Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter that is “likely to promote or incite to crime or which would tend to undermine the authority of the state.” It was on this basis that the government banned Sinn Fein (the legal political front of the Irish Republican Army) from the airwaves from 1971 to 1994. Following Sinn Fein’s agreement to participate in the Northern Ireland peace process and the declaration of the IRA cease-fire, the Government restored Sinn Fein’s access.

The Office of the Film Censor must classify films and videos before they can be shown or sold. Distributors pay fees to finance the censor’s office. Under the 1923 Censorship of Films Act, the censor has the authority to cut or ban any film that is “indecent, obscene, or blasphemous” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” As of October, no theatrical films were banned during the year, but 125 videos were banned, mainly because of their pornographic or violent content. Decisions of the censor can be appealed to a nine-member appeal board within 3 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions.

Books and periodicals are also subject to censorship. The 1946 Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also can examine books (but not periodicals) on its own initiative. The board can prohibit the sale of any publication that it judges to be indecent or obscene. As of October, the board had not banned any books or periodicals. In 1999 the board banned the mainstream *In Dublin* magazine for carrying advertisements for “massage parlors,” which were regarded by the board as solicitations for prostitution. The publishers challenged the ban in court, and the board’s ruling was overturned on the condition that the magazine take out the advertisements. In 1999 the board did not ban any books, but it banned 8 periodicals, compared with 15 books and 10 periodicals in 1998.

In 1996 Veronica Guerin, a journalist and crime reporter with the *Sunday Independent* newspaper, was murdered. The murder was seen as an attempt by criminal elements to silence press coverage of their activities. The incident shocked public opinion and led to the adoption of new legislation to combat narcotics-related crime. The courts convicted two men, Paul Ward (November 1998) and Brian Meehan (July 1999), in connection with the murder and sentenced them to life imprisonment. As of October, a third, John Gilligan, extradited from the United Kingdom, was awaiting trial; three other men have been sentenced on lesser charges related to the Guerin case. No incidents of violence against journalists have been reported since Guerin’s murder in 1996.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to “assemble peaceably and without arms” and to form associations and unions; however, it also allows the State to “prevent or control meetings” that are calculated to cause a breach of the peace or to be a danger or nuisance to the general public. Under the 1939 Offenses Against the State Act, it is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization. Although the law mandates the prosecution and incarceration of persons for mere

membership in a terrorist organization, the Government allows meetings and assemblies by some groups that are associated with illegal terrorist organizations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government does not hamper the teaching or practice of any faith. Even though overwhelmingly Roman Catholic, Ireland has no state religion. However, most primary and secondary schools are denominational, and the Catholic Church partially controls their boards of management. The Government provides equal funding to the schools of different religious denominations. Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction. There is no discrimination against nontraditional religious groups.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—There is complete freedom of movement within the country, as well as freedom to engage in foreign travel, emigration, and repatriation.

The existing refugee law, enacted in 1996, has been implemented only partially and was under review. The law gives effect to the 1990 Dublin Convention, harmonizing European Union asylum procedures, and it also makes provision for program refugees (those invited by the state to apply for asylum; in 1999 mostly Kosovars). The law also expressly forbids the forced return of persons to a country where they fear persecution.

The Government grants refugee or asylee status in accordance with the provision of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and it cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The Government drew up specific administrative procedures for implementation of the convention in consultation with the UNHCR. In 1992 the Supreme Court ruled that these procedures were binding on the Department of Justice, Equality, and Law Reform.

The large increase in the number of asylum seekers continued to cause problems, severely straining the Government's processing system and societal acceptance (see Section 5). A total of 10,938 asylum seekers entered the country during the year. As of July, over 5,000 new applications were filed. The total number of applications awaiting processing as of December was 6,972; most applicants were from Romania and Nigeria. The Government provided first asylum in 211 cases during the year. An equal or larger number of asylum applications are expected in 2001.

There were no reports of the forced return of persons to a country where they feared persecution. Measures taken to speed the lengthy processing time of applications (currently about 18 months), including recruitment of additional staff, have had little impact because of the increasing number of refugee applications. The Government improved the situation of asylum seekers awaiting review of their applications by allowing those who filed before July 26, 1999, and have been waiting over 12 months, to work in Ireland. The Government established a new Garda (police) National Immigration Bureau to monitor and track nonnationals who are the subject of deportation orders. The new Bureau also plans to: Coordinate activities leading to deportation, operational strategies and resources at ports of entry, and strategies to combat trafficking in illegal immigrants; strengthen international liaison on immigration issues; administer the nonnational registration service; and enforce immigration law generally.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. Several political parties have seats in the bicameral Parliament. Members of the Dail (House of Representatives)—the chamber that carries out the main legislative functions—are popularly elected; in the Seanad (Senate), most members are elected by vocational and university groups, and the others are appointed by the Prime Minister. The President is popularly elected for a 7-year term and is limited to 2 terms. An appointed Council of State serves as an advisory body to the President.

Women are underrepresented in government and politics. Although the President is a woman, only 22 of the 166 deputies in the Dail and 11 of the 60 senators are women. Of the 15 government ministers, 3 are women, as are 3 of the 17 junior ministers. Two women sit on the 26-member High Court; 2 of the 8 Supreme Court judges are women.

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

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

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

The Constitution forbids state promotion of one religion over another and discrimination on the grounds of religion, profession, belief, or status. However, until recently few laws implemented these provisions of the Constitution. The 1998 amended Employment Equality Act went into effect in October 1999. It outlaws discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, religious belief, age, disability, race, and membership in the Traveller community. The 2000 Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on the basis of the nine grounds listed above.

Women.—Domestic violence and emotional abuse are common. In response to what it sees as a “hidden” and “severely under reported” issue, the National Steering Committee on Violence Against Women (a multiagency government body) began a public outreach campaign in December 1999. The campaign aims to facilitate victims’ reporting of domestic and other types of violence by informing women of the resources available and rallying public support for victims. There are 24 women’s shelters, funded in part by the Government. According to the Dublin Rape Crisis Center, the overall number of reported rapes continued to rise. However, calls to the center registered a slight decrease: 7,243 calls were received between July 1999 and June 2000, compared with 7,500 calls received over the same period in the previous year, probably due to changes in the call system. For the 1999–2000 period, the center estimated that 28 percent of rape and child sexual abuse victims reported the crime to police and that 10 percent of these cases resulted in convictions, with 39 percent of cases still pending. Recent rape victims and victims raped by a stranger were more likely to have reported the rape to police.

A 1990 law criminalizes rape within marriage, and the 1995 Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. Until 2000, as a witness, the victim was afforded no legal representation. The 2000 Sex Offenders Bill provides that “separate legal representation will be provided to complainants in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the complainant about his or her past sexual experience.”

Discrimination against women in the workplace is unlawful, but inequalities persist regarding pay and promotions in both the public and the private sectors. Women hold about 43 percent of public sector jobs but are underrepresented in senior management positions. A 1999 government report found that at least 50 percent of state-sponsored bodies have no guidelines for dealing with sexual harassment and no policy on equal opportunity. The 1974 Anti-Discrimination (Pay) Act, the 1977 Employment Equality Act, and the amended 1998 Employment Equality Act provide for protection and redress against discrimination based on gender and marital status. The Equality Authority monitors the implementation of these acts. According to 1998 statistics, women’s earnings have increased more rapidly than men’s since 1985, albeit from a lower starting point. The weekly earnings of women in industry still averaged only 65 percent of those of men in 1998.

Women’s participation in the work force still is hampered by the lack of adequate childcare facilities. To encourage the participation of parents, both men and women, in the work force, the Government included in its 2000–2006 national development plan in March an equal opportunities childcare program, under which approximately \$275 million (250 million Irish pounds) was allocated to fund measures to improve childcare availability and quality.

The 1994 Maternity Protection Act provides a woman with 14 weeks of paid maternity leave and the right to return to her job. A 1998 Parental Leave Act allows a child’s mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father’s leave or vice versa. Parental leave does not affect a mother’s right to maternity leave.

Children.—The Government demonstrates its strong commitment to children’s rights and welfare through its well-funded systems of public education and health care. Under the 1991 Child Care Act, education is free and compulsory for children from 6 to 15 years of age. The act places a statutory duty on government health

boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Minister of State (junior minister) for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The 1987 Status of Children Act provided for equal rights for children in all legal proceedings.

The sexual abuse of children continued to receive significant media attention. The Dublin Rape Crisis Center reported that 58 percent of calls to its crisis line involved child sexual abuse, and only 13 percent of the incidents had occurred within 1 year preceding the call. The 1998 Child Trafficking and Pornography Act strengthens and updates measures to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

People with Disabilities.—The government Commission on the Status of People with Disabilities estimated in 1996 that 10 percent of the population have a disability. Under the 1998 Employment Equality Act, it is unlawful to discriminate against anyone on the basis of disability in relation to employment. The 1991 Building Regulations Act established minimum criteria to ensure access for people with disabilities to all public and private buildings constructed or significantly altered after 1992, but enforcement is uneven. A National Disability Authority (NDA) began operations in 1999 with a budget of \$2.7 million (2 million Irish pounds). The NDA is to set disability standards, monitor the implementation of these standards, and engage in research and the formulation of disability policy. The Authority's new strategic plan was awaiting approval by the Government at year's end.

National/Racial/Ethnic Minorities.—Approximately 25,000 nomadic persons regard themselves as a distinct ethnic group called "Travellers," roughly analogous to the Roma of continental Europe. The "travelling" community has its own history, culture, and language. The Travellers' emphasis on self-employment and the extended family distinguishes them from the rest of society.

Travellers regularly are denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, will not serve them. Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experience difficulties in enrolling their children in school. Sometimes they are segregated into all-Traveller classes. According to 1998 government statistics, of 4,978 Traveller families, approximately 1,191 live on roadsides or on temporary sites without toilets, electricity, or washing facilities. Many Travellers are dependent on social welfare for survival and are unable to participate in the mainstream economy because of discrimination and a lack of education.

The 1998 Employment Equality Act outlaws job discrimination against Travellers. A 1993 task force on the travelling community produced a comprehensive report in 1995 on various aspects of Travellers' lives, including education, work, accommodation, health, and discrimination. A monitoring committee is overseeing implementation of the recommendations of the report, some of which have resulted in the formation of special committees in the Departments of Education, Environment, and Health to examine Traveller difficulties in these areas.

A 1998 law, entitled the Housing (Traveller Accommodation) Act—recommended by the 1995 task force—obliges local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. In the event of a failure to agree on a draft plan, county and city managers are responsible for their adoption and implementation. According to traveller groups, the act was implemented with mixed results during its first 2 years.

The growing immigration of foreign workers has been accompanied by societal discrimination and racial violence against the newcomers. These developments have sparked public debate over the openness of society to immigrants and how to address outbreaks of xenophobic incidents of violence. Although asylum seekers have the right to work if their cases remain pending for over a year, 4 in 10 claimed to have experienced racism and discrimination from recruiters and employers while looking for work, according to a study commissioned by the Irish Refugee Council. Racially motivated incidents occurred frequently, involving physical violence, intimidation, and verbal slurs. A British citizen visiting Dublin was stabbed and seriously wounded in June while defending his black wife and son from attack. A Dublin bus driver was convicted and fined under the Prohibition of Incitement to Hatred Act in September as a result of a verbal exchange, which included racist slurs, with a black passenger. Groups of young people reportedly targeted white foreigners as well for verbal harassment and violent attacks. Government officials spoke out against racism and xenophobia, and in July racism was one of two major topics addressed at a government-sponsored NGO forum on human rights. In addition the Government initiated a public outreach campaign welcoming immigrants.

Section 6. Worker Rights

a. The Right of Association.—The right to join a union is provided for by law, as is the right to refrain from joining. About 48 percent of workers in the private and public sectors are members of unions. Police and military personnel are prohibited from striking, but they may form associations to represent themselves in matters of pay, working conditions, and general welfare. The right to strike is freely exercised in both the public and private sectors. The 1990 Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforces this provision through the Department of Enterprise, Trade, and Employment. A number of strikes occurred during the year, including a nurses' strike, a bus drivers' strike, a train engineers' strike over wages, and a hauliers' (truck drivers) "go-slow" over fuel prices. All concluded peacefully, with the unions involved achieving some, if not all, of their goals.

The Irish Congress of Trade Unions (ICTU) represents 64 unions in the Republic of Ireland and Northern Ireland. The ICTU is independent of the Government and political parties.

Unions may freely form or join federations or confederations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—Labor unions have full freedom to organize and to engage in collective bargaining. The 1974 Anti-Discrimination (Pay) Act and the 1977 Employment Equality Act make the Equality Authority responsible for the investigation of allegations of antiunion discrimination. If the Authority is unable to effect resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The 1977 Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of antiunion discrimination, including the reinstatement of workers fired for union activities.

Most terms and conditions of employment are determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the "social partners," i.e., unions, employers, farmers, and the Government. The latest version of these agreements, the Partnership for Prosperity and Fairness, was signed in April.

The 1990 Industrial Relations Act established the Labor Relations Commission, which provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The export processing zone at Shannon Airport has the same labor laws as the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—Forced and bonded labor, including that performed by children, is prohibited by law and does not occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—By law children are required to attend school through the age of 15. Under the terms of the 1997 Protection of Young Persons Act, employers may not employ those under the age of 16 in a regular full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The act incorporates international rules on the protection of young workers drawn up by the International Labor Organization (ILO) and the European Union; it sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement is reportedly lax, but violations appear to be rare. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in December.

e. Acceptable Conditions of Work.—A new national minimum wage, \$4.84 (4.40 Irish pounds) per hour, went into effect on April 1. This wage alone would not provide a decent standard of living for a worker and family. Low-income families continue to be entitled to benefits such as subsidized housing and children's allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours in a year. The Department of Enterprise, Trade, and Employment is responsible for enforcing four basic laws dealing with occupational safety that provide adequate and comprehensive coverage. No significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide that employees who find themselves in situations that present a "serious, imminent and unavoidable risk" may leave without the employer being able to take disciplinary action.

f. Trafficking in Persons.—Recent legislation criminalizes trafficking in persons, which so far is limited and infrequent. The 1998 Child Trafficking and Pornography Act, criminalized trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Bill passed in October was upheld as constitutional but has not yet been implemented. It will criminalize the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing the trafficking in women for sexual criminal activities. According to an NGO, trafficking in women does not receive much attention from organizations or the Government.

ITALY

Italy is a longstanding, multiparty parliamentary democracy. Executive authority is vested in the Council of Ministers, headed by the president of the Council (the Prime Minister). The Head of State (President of the Republic) nominates the Prime Minister after consulting with leaders of all political forces in Parliament. The current Parliament was elected in free and democratic elections in April 1996. The judiciary is independent, but critics complain that some judges are politicized.

The armed forces are under the control of the Ministry of Defense. Control over the Carabinieri, a military security force, was transferred in March from the Ministry of Interior to the Ministry of Defense; however, the Ministry of Interior retains authority over this force in matters of internal security. Four separate police forces report to different ministerial or local authorities. Under exceptional circumstances, the Government may call on the army to provide security in the form of police duty in certain local areas, thereby freeing the Carabinieri and local police to focus on other duties. For several years, the army supported the police in Sicily and in the province of Naples, areas with high levels of organized crime. The army left Naples at the end of 1997 and Sicily in 1998 but was redeployed back to both locations for a short period in 1999, during which time special actions were in progress against organized crime. In September the Government sent an augmented force to Naples of 500 police and Carabinieri, some of whom wore military-style camouflage battle dress uniforms, to combat criminal violence in the city. Amnesty International (AI) reported numerous allegations that the police used excessive force against individuals, often Roma, refugees, and, increasingly, women, at the time of arrest and initial detention.

Italy has an advanced, industrialized market economy, and the standard of living is high. Small and midsize companies employ from 70 to 80 percent of the work force. Major products include machinery, textiles, apparel, transportation equipment, and food and agricultural products. The Government owns a substantial number of enterprises in finance, communications, industry, transportation, and services, but privatization is moving forward at a measured pace.

The Government generally respects the human rights of its citizens, and the law and the judiciary generally provide effective means of dealing with instances of individual abuse; however, there were problems in some areas. There were isolated reports of police abuse of detainees; such accusations are investigated by the judiciary. Prisons are overcrowded. The pace of justice is slow, and perpetrators of some serious crimes avoid punishment due to trials that exceed the statute of limitations. Lengthy pretrial detention is a serious problem. The Government has taken steps to combat violence against women and child abuse; however, they remain problems. Societal discrimination against women and discrimination and sporadic violence against immigrants and other foreigners continue to be problems. Child labor, mainly involving immigrant children, persists in the underground economy but is investigated actively. Exploitation of clandestine immigrants is widespread. Trafficking in women and girls to the country for prostitution and forced labor is a growing problem, as is trafficking in children.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings by government officials.

On May 20, 1999, Massimo D'Antona, a senior adviser to the Minister of Labor, was shot and killed outside his home in Rome. The Red Brigades, a terrorist movement, claimed responsibility for the killing. A suspect detained by police in Rome in May subsequently was released, and the investigation continued 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 cruel or degrading punishment; however, there were reports of isolated incidents in which police abused detainees. Amnesty International, the U.N. Human Rights Commission (UNHRC), the U.N. Committee Against Torture, and the U.N. Special Rapporteur on Torture regularly assess the country's judicial and prison system. The nongovernmental organization (NGO) Antigone, which is composed mainly of lawyers, magistrates, and academics, promotes the rights of detainees, works closely with the European Commission for Prevention of Torture, and monitors the prison system.

According to a report issued by AI in June, there are numerous allegations of the deliberate use of excessive force against individuals detained in connection with common criminal offenses or in the course of identity checks. Allegations of mistreatment relate to the time of arrest and first 24 hours in custody and concern both citizens and foreigners, with an increasing number of women appearing as alleged victims. A high proportion of the allegations received by AI concern foreign nationals (many of them from Africa), as well as Roma. In a May letter to penal authorities, AI expressed concern over suits filed the previous month by inmates of the Sassari District Prison, who had been subjected to cruel and degrading punishment. In a separate communication, AI referred to allegations of mistreatment at newly established temporary detention centers for aliens (see Section 2.d.).

Overcrowded and antiquated prisons continue to be a problem. The prison system has a capacity of 35,000 but holds over 53,000 detainees, of whom 3,500 were added in 1999 alone. Older facilities tend to lack outdoor or exercise space, compounding the difficulties of close quarters. Approximately 54 percent of detainees are serving sentences; the other 46 percent consist mainly of persons awaiting trial or the outcome of an appeal. Nearly one in three pensioners has been jailed for a drug violation. One in four is an alien. Of drug users, almost 10 percent are HIV positive. Over 80 prisoners died while in jail in 1999; 53 committed suicide, with a reported 920 unsuccessful suicide attempts and some 6,500 acts of self-mutilation.

In the spring these conditions led to protests both by prisoners and guards. A 2-day guard strike in Sassari that left inmates without food or water led to a prisoner riot in March, which was followed by retaliation by prison guards in April. In early May, 82 Sassari guards and wardens were arrested in connection with the April abuses. These arrests provoked sympathy strikes and demonstrations by prison guards across the country, who protested their low pay, long hours, and the conditions of tension and risk under which they work. During the same period, prisoner protests broke out at several jails and the Parliament debated proposals for decriminalizing certain crimes, the shortening of sentences, alternative punishments to imprisonment, and the expulsion of non-EU nationals who are sentenced to prison terms. The Pope's call in June for a Jubilee-Year clemency increased the pressure on parliamentarians and raised prisoner expectations; however, proponents of such measures could not obtain the necessary two-thirds support in each chamber. The Government and opposition forces were unable to agree, and no action was taken by year's end.

The Government permits the independent monitoring of prison conditions by parliamentarians, local human rights groups, the media, and other organizations.

d. Arbitrary Arrest, Detention, or Exile.—Detainees are allowed prompt and regular access to lawyers of their choosing (although occasional lapses in this general rule have been alleged) and to family members. If detainees are indigent, the State provides a lawyer. Within 24 hours of being detained, the examining magistrate must decide whether there is enough evidence to proceed to an arrest. The investigating judge then has 48 hours in which to confirm the arrest and recommend whether the case goes to trial. In exceptional circumstances, usually in cases of organized crime figures, where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to 5 days to interrogate the accused before the accused is allowed to contact an attorney. The U.N. Human Rights Committee, the treaty monitoring body for the International Covenant on Civil and Political Rights, recommended that this 5-day period be reduced and that all detainees have access to legal advice immediately upon arrest.

Preventive detention can be imposed only as a last resort, or if there is clear and convincing evidence of a serious offense, such as crimes involving the Mafia, or those related to drugs, arms, or subversion. In these cases, a maximum of 2 years of preliminary investigation is permitted. Except in extraordinary situations, preventive custody is not permitted for pregnant women, single parents of children under 3 years of age, persons over 70 years of age, or those who are seriously ill. Preventive custody can be imposed only for crimes punishable by a maximum sentence of not less than 4 years.

Magistrates' interrogations of persons in custody must be recorded on audio tape or videotape to be admissible in judicial proceedings. Prosecutors are required to include all evidence favorable to the accused in requests for preventive detention. The defense may present any favorable evidence directly to the court.

There is no provision for bail, but judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, panels of judges (liberty tribunals) review cases of persons awaiting trial and rule whether continued detention is warranted. Persons in detention include not only those awaiting trial, but also individuals awaiting the outcome of a first or second appeal (see Section 1.e.). The Constitution and the law provide for restitution in cases of unjust detention.

The law prohibits punishment by internal exile or exile abroad.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary and the Government respects this provision in practice. The judiciary provides citizens with a fair judicial process.

There are three levels of courts. A 1998 law that aimed to restructure and expedite the judicial process established that a single judge would hear cases at the level of courts of first instance. Implementation of the measure's civil provisions began in June 1999, while changes in criminal proceedings took force in January. At the second level, separate courts hear appeals for civil and penal cases. Decisions of the Court of Appeals can be appealed to the highest court, the Court of Cassation (Supreme Court) in Rome, but only for reasons related to correct application of the law, not a case's merit.

The law provides for trials to be fair and public, and the authorities observe these provisions. The law grants defendants the presumption of innocence. Defendants have access to an attorney sufficiently in advance to prepare a defense and can confront witnesses. All evidence held by prosecutors normally is made available to defendants and their attorneys. Defendants can appeal verdicts to the highest appellate court.

Both domestic and European institutions criticize the slow pace of justice in the country, which is due in part to cumbersome and frequently changing procedures, unclear or contradictory legal provisions, and an inadequate number of judges. In April the National Statistical Institute (ISTAT) reported that the average trial lasts 35 months; appeal procedures can add another 59 months. The length of trials varies by region; those in the north tend to be shorter than those in the south. The European Court of Human Rights noted the high number of complaints filed against the country in 1999 and the number of adverse decisions (44 of 120) that the court rendered. These decisions almost always centered on excessive trial delays. In June the Council of Europe's (COE) Committee of Ministers reiterated to the COE parliamentary assembly that excessive delays in the administration of justice constituted "an important danger, in particular for the respect of the rule of law." While noting that Italian authorities shared these concerns, the ministers observed that the trend in the number of new cases referred to the Court had not changed.

Excessive trial delay has also complicated the outcome of judicial processes involving "clean hands" investigations of corruption launched in 1991. Public prosecutors uncovered numerous instances of illegal arrangements between businessmen and political figures, including illicit financing of political parties, as well as ties between elected officials and organized crime. Over 1,300 persons were either convicted and sentenced or accepted plea bargains. Those sentenced to prison terms, generally for periods of 3 years, were able to benefit from a legal system that allows alternative punishment for persons whose sentences do not exceed 4 years. Thus few individuals served jail sentences as a result of the trials. The most sensational cases involved multiple accusations against two former prime ministers, Giulio Andreotti and Silvio Berlusconi. With regard to the latter, two cases ended at the appeals level (following lower court convictions) when judicial delays and maneuvers caused the trials to exceed the statute of limitations. Berlusconi won acquittals in two other appeals cases, however, as well as one at a lower court level, and cited these outcomes as vindication, signifying that the original charges had been an effort by elements in the judiciary to achieve political objectives through prosecutorial means. Milan's chief public prosecutor retorted that Berlusconi's criticisms were aimed at undermining the legitimacy of investigating magistrates. In the case of (now) senator-for-life Andreotti, prosecutors relied heavily in two separate trials on testimony by turncoat Mafia witnesses ("pentiti"). These trials ended with court criticisms of both the prosecution and defendant. The court stated that prosecutors failed to produce concrete evidence backing up vague and contradictory testimony by the pentiti. Other court observations, which asserted that Andreotti had lied at the trial, fell short of resolving doubts about his conduct.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law safeguards the privacy of the home, and the authorities respect this provision. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances. Violations are subject to legal sanctions.

Section 2. Respect for Civil Liberties, Including:

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

However, courts are sensitive to criticism and impose fines for “defamation.” In May Member of Parliament Alessandra Mussolini was sued for \$600,000 (1.2 billion lire) by two judges on the highest appeals court. Mussolini had criticized as a “killer sentence,” a court ruling that failed to consider the pregnancy of a rape victim as an aggravating factor, warranting a heavier penalty. In July a court levied a \$27,000 (55 million lire) fine against weekly magazine Panorama for a 1997 article that defamed anti-Mafia prosecutors in Palermo.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Government does not restrict the right of peaceful assembly, including protests against government policies, except in cases where national security or public safety is at risk. Permits are not required for meetings, but organizers of public demonstrations must notify the police in advance.

Catholic Church authorities strongly opposed gay community plans to hold a world pride week in Rome during the first week in July, calling it a provocation and an affront to the Church’s Jubilee Year. However, the event was held, with the cooperation of national and municipal authorities.

While allowing general freedom of association, the Constitution and law prohibit clandestine associations, those that pursue political aims through force, that incite racial, ethnic or religious discrimination, or that advocate fascism. Professional associations organize and operate freely.

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

Roman Catholicism is not the state religion but it is the dominant one, in the sense that most citizens were born and raised under Catholic principles, which form part of their culture. Roman Catholic religious instruction is offered in public schools as an optional subject. Students who do not opt to attend can elect to take an alternative course or, in some schools, have a free class period. A 1929 agreement between the Catholic Church and the Government, which was revised in 1984, accords the Church certain privileges. For example, the Church can select Catholic religion teachers, whose earnings are paid by the State. This privilege has led to charges of unconstitutional discrimination.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and the Law provide for these rights, and the Government respects them in practice. Citizens who leave are ensured the right to return. The Constitution forbids deprivation of citizenship for political reasons. Parliament has not yet repealed the XIII transitory provision of the 1947 Constitution, which forbids male heirs of the former king, Umberto I of Savoy, from entering the country. For this reason, in December 1999, royal descendant Vittorio Emanuele IV filed a suit in the European Court of Human Rights in Strasbourg challenging the validity of this constitutional bar. In March the European Parliament voted against including a reference to the Savoy case in its human rights report.

Political asylum is obtained according to the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the country still lacks a specific law on political asylum; such a law has been pending before Parliament since 1997. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. It provides first asylum to refugees fleeing hostilities or natural disasters. Such refugees are granted temporary residence permits, which must be renewed periodically and do not ensure future permanent residence.

In 1999 the Ministry of Interior approved 912 asylum requests and disapproved some 12,000 others. (In 1998, 7,674 persons applied for asylum, of whom 1,045 were found eligible.) Nationals of Yugoslavia, Iraq, Turkey, and Iran accounted for over half of the approvals. An immigration law passed in February 1998 levies high fines and penalties for land, air, and sea carriers that board passengers without documentation. There is a huge influx, mainly by sea, of Albanians, Serbs, Kurds, North Africans, Chinese, Nigerians, and other West Africans, many of whom enter the country intending to transit to other member states of the European Union. In April

the Government approved a migration accord with Albania (similar to previous such accords with Tunisia and Morocco) aimed at promoting regular annual emigration of 5,000 Albanians. More aggressive coastal patrolling helped reduce illegal immigrant landings in the south. A total of 16,100 illegal immigrants landed in the first 7 months of the year, compared with 35,200 in the same period in 1999 (due largely to the conflict in Kosovo). Some 37,200 such entrants were repatriated over the first 7 months of the year, compared with 34,800 in 1999.

Most illegal migrants paid fees to smugglers; some risked death, as smugglers unloaded their human cargo at sea to avoid capture by patrol boats. Others were forced to engage in illegal activities, were paid substandard wages, or forced to work as prostitutes to pay off debts incurred for their passage (see section 6.f.).

There were no reports of the forced expulsion of persons having a valid claim to refugee status.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There are no restrictions on women's participation in government and politics; however, few women hold elected office: women hold 4 of 24 cabinet positions, 24 of 325 Senate seats, and 69 of 630 seats in the Chamber of Deputies.

In October the Senate gave final approval to a constitutional change allowing an estimated 3.9 million Italians abroad to vote, and setting aside 12 seats in the 630-seat Chamber of Deputies and 6 in the 315-seat Senate to represent them. However, the law's implementation required administrative action that did not take place by year's end.

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

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

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

The law prohibits discrimination on the basis of race, sex (except with regard to hazardous work), religion, ethnic background, or political opinion, and provides some protection against discrimination based on disability, language, or social status. However, societal discrimination persists to some degree.

Women.—Violence against women remains a problem. A 1998 ISTAT survey (the first one nationwide) reported that at least 9.4 million women between the ages of 14 and 59 had experienced some form of sexual violence during their lives. The NGO Telefono Rosa which provides a hot line through which abused women can obtain legal, medical, and other assistance, reports that nearly half of all complaints it receives nationally involve physical violence, much of it at home.

Legislation to protect women from physical abuse, including by family members, was updated and strengthened in 1996. The revised law makes the prosecution of perpetrators of violence against women easier and shields women who have been objects of attack from publicity. The law treats spousal rape in the same manner as any other rape. Law enforcement and judicial authorities are not reluctant to bring perpetrators of violence against women to justice, but victims sometimes do not press charges due to fear, shame, or ignorance of the law. Telefono Rosa notes that the entry of more women into the police force has contributed greatly to an increased willingness of female victims of violence to cooperate with police. Acting on behalf of local government administrations, some 60 local women's associations maintain and run shelters for battered women.

In December 1999, the Labor Ministry and major trade union confederations agreed on a code of conduct regarding sexual harassment in the workplace. The code, which follows a 1991 EU recommendation, is to be attached to national sectoral labor contracts as they are negotiated. Telefono Rosa reports that previous ad hoc labor contract sexual harassment provisions have worked as a deterrent to workplace harassment both in the public and private sectors.

Trafficking in illegal immigrant women and girls for prostitution and forced labor is a growing problem (see Section 6.f.).

Women enjoy legal equality with men in marriage, property, and inheritance rights. Males and females enjoy equal access and treatment with regard to education, health, and other government services. Many NGO's actively and effectively promote women's rights. Most are affiliated with labor unions or political parties.

A number of government offices work to ensure women's rights. The Ministry for Equal Opportunity is headed by a woman. In addition, there is an equal opportunity commission in the office of the Prime Minister. The Labor Ministry has a similar commission that focuses on women's rights and discrimination in the workplace, as well as equal opportunity counselors who deal with this problem at the national, regional, and provincial government levels. However, many counselors have limited resources with which to work. A decree approved in May requires civil service recruiters to explain in writing their motives for hiring or promoting a man rather than a woman as a manager. The rule was designed to promote women's access to the higher echelons of public administration and is to apply in offices where women managers number less than a third of the total.

In February 1999, the European Union directive regulating night work for women was incorporated into the law, thus amending the 1977 law that had prohibited night shifts for women. With some exceptions (if pregnant, the mother of a child below 3 years of age, or the mother of a disabled person), women now are allowed to work at night. Liberal maternity leave, introduced to benefit women, adds to the cost of employing them, with the result that employers sometimes find it advantageous to hire men instead. A March law on parental leave, which grants mothers and fathers an equal right to take leave when a child is sick, is aimed at offering equal opportunity without penalizing women at work.

According to research conducted by Eurostat, the statistical office of the European Commission, women's salaries are 23.5 percent lower than men's for comparable work. They are underrepresented in many fields, such as management and the professions. According to a recent report based on ISTAT data, women account for 36 percent of the labor force, with yearly growth in female employment of 2 percent (compared with 0.2 percent for men). The National Council for Economy and Labor (CNEL) reported that in 1998, 3 percent of executives in large firms were women, a figure that rose to 5 percent in mid-size firms and 8 percent in small firms. In 1999 women occupied 19.1 percent of public offices, 11.3 percent of teaching positions, and 3.8 percent of media executive positions. Employed women are more likely to have a high school diploma (34.7 percent) than employed men (28.5 percent). The comparable figures for a university degree are 13.8 percent for women and 9.4 percent for men. Unemployment figures show that women still are lagging. In 1999 male unemployment was 9.6 percent, while female unemployment was 16.8 percent. Youth unemployment (ages 15 to 24) was 30.2 percent for men (53.5 in the south) and 39.0 percent for women (66.9 in the south).

Children.—The Government demonstrates a strong commitment to children's rights and welfare. As of academic year 1999–2000, schooling became compulsory for children from age 7 to age 18; those unable (or unwilling) to follow the academic curriculum are allowed to shift to vocational training at age 15. This reform was intended to reverse the middle and secondary school dropout rate, which had been high.

Abuse of children is recognized as a societal problem; an estimated 90 percent of violence against minors is committed within their own families. Social workers counsel abused children and are authorized to take action to protect them. The NGO Telefono Azzurro maintains two toll-free hot lines for reporting incidents of child abuse. Research conducted on behalf of the Government by a private institute estimates the number of minors involved in cases of violence (including prostitution) to be 10,000 to 12,000. There are 1,880 to 2,500 minors who work as street prostitutes, of whom 1,500 to 2,300 were trafficked illegal immigrants (predominantly Albanians, other eastern Europeans, and some Nigerians), many of whom were forced into prostitution (see Section 6.f.). Social Service International (a domestic NGO) assists in repatriating unaccompanied immigrant minors.

Several laws and government programs enhance the protection available for minors. In 1996 minors offices staffed by trained police (often women) were established in police stations around the country to offer emergency help for minors and families in distress, as well as counsel in dealing with other government social and judicial entities. A 1997 law established an information gathering network to collect data on the condition of minors. A 1998 immigration law formalized an office in the Ministry of Social Affairs that protects the rights of unaccompanied immigrant minors. (In 1997 this office screened and authorized entry permits for nearly 48,000 minors and 3,000 accompanying adults.) In 1998 the Parliament enacted a law to combat pedophilia, child pornography, the possession of pornographic material involving children, sex tourism involving minors, and trafficking in children (also see Section 6.f.). The law established a special police unit to monitor and prosecute Internet sites devoted to promoting pedophilia.

People with Disabilities.—In January a new law replaced previous legislation that forbade discrimination against disabled persons in employment, education, or the

provision of state services. The new law requires companies having 15 or more employees to hire one or more disabled workers: those with 15 to 35 employees must hire 1 disabled worker, those with 35 to 50 must hire 2, and, for larger companies 7 percent of the work force must consist of the disabled. Companies hiring the disabled are granted certain benefits, including lower social security contributions, while the cost of worker training is borne by the Government. The new law also provides for more severe sanctions against violators.

National/Racial/Ethnic Minorities.—Some traditional minorities, including French and German speaking Alpine communities in the north and a mixture of German and Slovene speakers in the northeast, enjoy special autonomous status. The special rights of these areas (respectively the Valle d'Aosta, Trentino Alto Adige, and Friuli Venezia Giulia) include use of non-Italian languages in government offices and public schools in the former two.

Roma are another traditional minority, but without a specific geographic base. Of a national total of 115,000, some 70,000 are citizens—most of whom can trace ancestry in the country to the late fourteenth century. Most of these Roma live in the center and south, in conditions indistinguishable from those of other Italians. Roma in the north, whose numbers have swelled with the arrival of 40,000 immigrants from the former Yugoslavia, live in more precarious conditions. Although many municipalities are building permanent settlements, poor housing, limited employment prospects, and inadequate educational facilities remain problems. With limited income and job opportunities available, some turn to begging or petty crime, generating in turn repressive measures by police authorities. Roma communities complain that their language does not enjoy the same privileged status as that granted to minority languages in the autonomous regions.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to establish trade unions, join unions, and carry out union activities in the workplace. The unions state that they represent between 35 and 40 percent of the work force. Trade unions are free of government controls and have no formal ties with political parties. The right to strike is embodied in the Constitution and is exercised frequently. In April following a period of multiple land, sea, and air transport sector strikes, a new law changed provisions of a 1990 measure that restricted strikes affecting essential public services (e.g., transport, sanitation, and health). The new law defined minimum service to be maintained during a strike as 50 percent of normal, with staffing by at least one-third the normal work force. The law established compulsory cooling off periods and more severe sanctions for violations. Besides transport worker unions, the law also covers lawyers and selfemployed taxi drivers. In May a Transport Ministry regulation required all national labor contracts involving employment sectors covered by the law to adjust contract provisions to the new rules. These changes were backed by the three major national trade union confederations, which sought to avoid inconvenience to tourists and the traveling public alike during the Catholic Church's Jubilee Year.

Unions associate freely with international trade union organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right of workers to organize and bargain collectively, and these rights are respected in practice. By custom, although not by law, national collective bargaining agreements apply to all workers, regardless of union affiliation. The law prohibits discrimination by employers against union members and organizers. It requires employers that have more than 15 employees and who are found guilty of antiunion discrimination to reinstate any workers affected. In firms with less than 15 workers, an employer must provide the grounds for firing a union employee in writing. If a judge deems the grounds spurious, he can order the employer to reinstate or compensate the worker.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including that performed by children, and generally it does not occur; however, some illegal immigrants and children were forced into prostitution (see Section 5), and trafficking in illegal immigrant women for prostitution and forced labor, as well as trafficking in illegal immigrant children, are problems (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law forbids the employment of children under age 15 (with some limited exceptions). There also are specific restrictions on employment in hazardous or unhealthful occupations for men under age 18, and women under age 21. The enforcement of minimum age laws is difficult in the extensive underground economy. Estimates of the number of child laborers differ, ranging from 30,000 to 300,000 children (the most probable figure may be in the area of 50,000). Most of these cases involve immi-

grants, but instances involving Italian children also have been reported. Illegal immigrant child laborers from Northern Africa, the Philippines, Albania, and especially China have entered in record numbers every year since 1989, and the influx from China is rising. According to the Carabinieri, an estimated 30,000 illegal Chinese work in sweatshop conditions near Florence, with many minor children working alongside the rest of their families to produce scarves, purses, and imitations of various brand name products. Many of these factories, which face threats of infiltration or coercion by Chinese organized crime, are equipped with escape tunnels to thwart labor inspections. Carabinieri officers who work on child labor developed a videocassette program to educate schoolchildren on child labor laws, their rights as specially protected workers, and workplace hazards.

The Government, employers associations, and unions continue their tripartite cooperation on child labor. Their periodic consultations, begun in 1997, cover such matters as better enforcement of school attendance regulations; programs to reduce the number of school dropouts; faster assistance for families in financial difficulty; further restrictions on exceptions to the minimum wage law; and canceling economic or administrative incentives for companies found to make use of child labor, whether domestically or abroad. The Prime Minister's office provided a toll-free telephone number to report incidents of child labor. The footwear and textile industries have established a code of conduct that prohibits the use of child labor in their international as well as national activities; the code is applicable to subcontractors as well. In 1999 a child labor clause was attached to the national labor contract in the health sector, whereby the parties committed themselves not to use surgical tools produced by child labor. The law forbids forced or bonded labor involving children, and the Government generally enforces this prohibition effectively; however, some illegal immigrant children were forced into prostitution (see Sections 5 and 6.c.), and some of them were trafficked (see Section 6.f.).

The Government ratified International Labor Organization (ILO) Convention 182 prohibiting the worst forms of child labor following completion of parliamentary action in May.

e. Acceptable Conditions of Work.—Minimum wages are not set by law, but by collective bargaining agreements on a sector by sector basis. These specify minimum standards to which individual employment contracts must conform. When an employer and a union fail to reach an agreement, courts may step in to determine fair wages on the basis of practice in comparable activities or engagements, although this rarely happens in practice.

A 1997 law reduced the legal workweek from 48 hours to 40. Most collective agreements provide for a 36- to 38-hour workweek. The average contractual workweek is 39 hours but is actually less in many industries. Overtime work may not exceed 2 hours per day or an average of 12 hours per week.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. For most practical purposes, European Union directives on health and safety also have been incorporated into the law. Labor inspectors are from the public health service or from the Ministry of Labor. They are few in number, given the scope of their responsibilities. Courts impose fines and sometimes prison terms for violation of health and safety laws. The Workmen's Compensation Institute reports that there were a million accidents in 1999, involving 1,309 deaths. Accidents occur with the greatest frequency in the underground economy, which employs between 3.5 and 5 million workers. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—Although the law does not address specifically trafficking in persons, it can be prosecuted through application of provisions of a 1958 law on prostitution and other articles of the Penal Code. Trafficking in women and girls for prostitution and forced labor is a growing problem.

Trafficking in women and girls for purposes of sexual exploitation involves vulnerable, illegal immigrants, most of whom come from Nigeria and Eastern Europe. The country is also a destination for trafficked women and girls. Varying estimates suggest that nearly 20,000 foreign women—from Albania, Nigeria, Romania, Moldavia, Ukraine, and other countries of Eastern Europe—are involved in prostitution, of whom some 1,500 (according to the social research institute Parsec) may be trafficked forcibly. For some, Italy is only a point of entry, and their ultimate destinations are elsewhere in Western or Northern Europe. Trafficking in children for sweatshop labor is a particular problem in Tuscany's expanding Chinese immigrant community, where children are considered to be part of the family "production unit" (see Section 6.d). The Chinese consulate in Florence cooperates with Carabinieri in persuading families to enroll their children in school.

The Ministry of Equal Opportunity leads an intergovernmental committee charged with monitoring trafficking and coordinating government activity to combat it. Other members include the Ministries of Social Affairs, Justice, Interior, and Foreign Affairs, as well as a special anti-Mafia prosecutorial unit. Major lay and Catholic NGO's concerned with trafficking, among which Parsec and Caritas are the most active, cooperate with this body.

While most prostitution involves women fleeing economic destitution in their home countries, those who are trafficked forcibly are often unable or reluctant to contact the police for help. A 1998 immigration law, for which implementing regulations were completed in November 1999 and assistance programs established in February, provided temporary residence/work permits to such women who seek to escape their exploiters. The legislation permits a temporary stay for victimized women. During this time, victims are provided with shelter, benefits, and services such as counseling and medical assistance, in cooperation with NGO's. They also may be permitted to work or study. If the victim agrees to cooperate with law enforcement and judicial authorities, the residence permit and services are extended for the length of the criminal proceedings. In July the Government set up a toll-free telephone number to help victims take advantage of this program and in its first month of operation received 7,000 calls for help. As a result of these and related policies, almost 750 women were able to benefit from these programs in their first weeks of operation, and significant increases in witness testimony and successful prosecution of traffickers were reported. In October the Ministry of the Interior hosted an international conference on trafficking in persons to focus attention on the issue.

In August 1998, a law was passed to combat abuses against children, including trafficking in children. The NGO, End Child Prostitution, Pornography and Trafficking (ECPAT), was a main advocate for this law, which criminalizes prostitution or pornography involving minors, even if committed abroad. In conjunction with other concerned NGO's, ECPAT has worked to ensure that police treat juvenile prostitutes as victims of trafficking, not criminals. In May ECPAT and components of the tourism industry (tour companies, travel agents, computer reservation system personnel, airline companies, airport authorities, and trade unions) initiated a voluntary code of conduct designed to impede sex tourism.

KAZAKHSTAN

The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev is the dominant political figure. The Constitution, adopted in 1995 in a referendum marred by irregularities, permits the President to dominate the legislature and judiciary, as well as regional and local governments; changes or amendments to the Constitution are nearly impossible without the President's consent. President Nazarbayev was elected to a new 7-year term in a 1999 election that fell far short of international standards. Previous presidential elections originally scheduled for 1996 did not take place, as President Nazarbayev's term in office was extended in a separate 1995 referendum, also marred by irregularities. Parliamentary elections held in October 1999 were an improvement on the presidential election but still fell short of the country's commitments as a member of the Organization for Security and Cooperation in Europe (OSCE).

A law passed in June would allow the President to maintain certain policy prerogatives and a seat on the National Security Council after he leaves office. The 1995 Constitution limited Parliament's powers more than previously, notably by precluding it from appropriating state money or lowering taxes without executive branch approval. However, Members of Parliament (M.P.'s) have the right to introduce legislation, and some bills introduced by M.P.'s have become laws. The judiciary remained under the control of the President and the executive branch. The lack of an independent judiciary made it difficult to root out governmental corruption, which was pervasive, although some corrupt officials were removed from office.

The Committee for National Security (the KNB, successor to the Soviet-era Committee on State Security (KGB)) is responsible for national security, intelligence, and counterintelligence. In practice it also plays a role in law enforcement. It also oversees the external intelligence service, Barlau. The chairman of the KNB reports directly to the Prime Minister and President. The Ministry of Internal Affairs (MVD) supervises the criminal police, who are poorly paid and widely believed to be corrupt. Both the KNB and the MVD police monitored government opponents, the opposition press, human rights monitors, and some nongovernmental organizations (NGO's), who claimed that KNB and MVD officials pressured them to limit

activities objectionable to the Government. The KNB continued efforts to improve its public image by focusing on fighting government corruption, religious extremism, terrorism, illegal arms exports, and organized crime. Members of the security forces committed human rights abuses.

The country is rich in natural resources, particularly petroleum and minerals. The Government has made significant progress toward a market-based economy since independence. It has successfully privatized small- and medium-sized firms and many large-scale industrial complexes and has attracted significant foreign investment, primarily to the energy and minerals sectors. The agricultural sector, which represents about 10 percent of gross domestic product (GDP), has been slower to reform since the Government has not established a legal basis for private land ownership. Official statistics indicate that the long fall in real wages after independence stopped in 1997. The average annual wage in 1999 was approximately \$1,180 (167,560 tenge). The average monthly nominal wage in 2000 was \$95.14 (13,521 tenge). Real wages grew 5.3 percent in 2000 over 1999 figures. According to government data, in the first 3 quarters of the year approximately 25.5 percent of the population had incomes below the "minimum subsistence level" of \$27 (3,969 tenge) per month, compared with 34.5 percent whose incomes were below the 1999 minimum subsistence level of \$24 (3,394 tenge) per month.

Rising oil prices in the second half of 1999 combined with the positive effects of an April 1999 decision to allow the currency to float helped the country to post GDP growth of 1.7 percent in 1999, after a 2.5 percent fall in GDP the previous year. GDP per capita also increased slightly to \$1066 (127,000 tenge). Inflation, which initially spiked after the currency fell following the April 1999 decision to float the currency, has been under control and was 9.8 percent in 2000. Real GDP grew by 9.5 percent.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remain. The Government severely limits citizens' right to change their government, and democratic institutions remain weak. The OSCE concluded that presidential elections in January 1999 fell far short of international standards, although it saw some improvement in the Parliamentary elections held later in the year. The Government barred two opposition politicians from competing in the presidential elections on administrative grounds and authorities harassed opposition candidates during both election campaigns. During the year, government officials began a series of conferences on electoral reform with opposition leaders and others under the auspices of the OSCE, although the Central Elections Commission moved to effect electoral commission changes before waiting for the conclusion of the conferences. The legal structure, including the Constitution adopted in 1995, does not fully safeguard human rights. Members of the security forces committed extrajudicial killings as a result of abuse of military conscripts and, reportedly, through mistreatment of individuals in custody. President Nazarbayev spoke out against police use of torture, and there were a number of cases in which the Government pressed criminal charges against police accused of mistreating individuals in their custody. However, human rights monitors criticized the efforts as inadequate. Prison conditions remained harsh. The Government began a process of transferring authority over prisons from the MVD to the Justice Ministry, a step that human rights monitors had long sought, but the effect of this change could not be determined as of year's end. The Government on some occasions used arbitrary arrest and detention, and prolonged detention is a problem. The judiciary remains under the control of the President and the executive branch, and corruption is deeply rooted. The Government infringed on citizens' privacy rights.

The Government restricted freedom of speech and of the press. The Government harassed much of the opposition media, and government efforts to restrain the independent media continued. Vague laws concerning the media, state secrets, libel, and national security increased pressure on the media to practice self-censorship. The Government introduced draft amendments to the Law on Media in October that, if enacted, would constitute a step backward for the independent media. However, the Government continued to issue new licenses for various types of media and, according to the Government, the number of media outlets increased. The Government continued to own some major printing and distribution facilities and to enjoy influence over those owned privately. Academic freedom is not respected. The Government imposes significant restrictions on freedom of assembly. At least two organizers of unsanctioned demonstrations were arrested and fined or imprisoned. The Government imposes significant restrictions on freedom of association, and complicated and cumbersome registration requirements hinder organizations and political parties. Some political parties increased their organizational activities successfully. The Government sometimes harasses those whom it regards as religious extremists. Domestic violence against women remained a serious problem. There was

discrimination against women, the disabled, and ethnic minorities. The Government discriminated in favor of ethnic Kazakhs. The Government limited worker rights; it tried to limit the influence of independent trade unions, both directly and through its support for state-sponsored unions, and members of independent trade unions were harassed. Workers continued to protest chronic nonpayment of wages. Child labor persists in agricultural areas. There was evidence of trafficking in women and in at least one case customs and border officials were under investigation for complicity in trafficking.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of politically motivated extrajudicial killings.

Members of the security forces committed extrajudicial killings as a result of abuse of military conscripts and, reportedly, through mistreatment of individuals in custody.

In July 28-year-old Kairat Sabdenov, the son of an M.P., died from internal injuries that he sustained from a police beating in Kokshetau after he had been detained following a car accident. In December police charged the policeman who allegedly beat Sabdenov with murder. Five policemen were charged with improper performance of their duties and one from the Akmola Oblast MVD was relieved of his post for investigating the accident scene improperly.

Ivan Prokopenko died in a detention center in Aktobe on March 1. He had been arrested 2 months earlier on suspicion of having stolen \$250 (36,750 tenge) worth of wooden poles. Human rights monitors reported that a doctor who examined the body and the boy's parents saw evidence of brain trauma, burns, and cuts. The Aktobe city prosecutor found in October that Prokopenko had died from head injuries suffered when he slipped and fell, hitting his head on the concrete floor. The authorities indicated that their investigation had found no other injuries and they closed the case.

In April a man named Bekov died in a hospital from injuries he had said he sustained when police in Almaty detained and beat him. An official investigation was launched, but no further information was available at year's end.

According to press reports, a criminal case was brought against a police sergeant in Makhtaaralsk (Shymkent Oblast) for the 1999 beating death of a 24-year-old man, Nurzhan Saparov, who was in custody following his arrest for disturbing the peace. At year's end, reportedly four police officers were awaiting trial charged with responsibility for his death.

On December 1, a District court fined Lieutenant Colonel Zhanteleyev 2 month's wages in the 1998 death of Yalkynzhan Yakupov, whose body was found hanging in the Chunjua District police station. However, the court dismissed the charges of abuse of power and illegal detention against the Colonel. Zhanteleyev was amnestied under the December 2000 general amnesty.

Reports indicate that deaths caused by military hazing persist. The Deputy Chief of the General Staff reported 17 cases of death due to mistreatment in the first 6 months of 1998. No statistics on the incidence of this form of mistreatment have been available since that time. However, there are some reports that military personnel engaging in hazing have been prosecuted, and the Government has begun a program to improve training of military forces on social and legal issues. (See Section 1.c.)

Harsh prison conditions led to the deaths of some persons in custody, many from disease (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 states that “no one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity;” however, police tortured, beat, and otherwise abused detainees, often in order to obtain confessions. Government officials acknowledged the seriousness of the problem and undertook some efforts to combat it. There were no reports of police beating protestors as they have done in earlier years. In a speech to law enforcement officials on April 19, President Nazarbayev criticized police use of an “arsenal of torture (that) can surprise the most extreme sadists.” President Nazarbayev referred in his speech to cases where law enforcement officials seared one detainee with a hot iron and poured cold water over another as he stood naked outside in cold weather. He said that the use of such tactics was “widespread.” Prosecutors brought criminal charges against 70 police officers for the unlawful use of violence against citizens during the year and disciplinary actions were taken against hundreds more. More than 20 Inte-

rior Ministry (MVD) employees reportedly were convicted on such charges. Human rights observers believe that these cases cover only a small fraction of the incidents of police abuse of detainees, which they characterized as routine. Training standards and pay for police are very low, and individual law enforcement officials often are supervised poorly.

Some of the instances of mistreatment occur in prisons, and the Government formally transferred authority over prisons from the Interior Ministry to the Justice Ministry in a move intended to reduce such abuses. The actual transfer of authority will be implemented over a period of 2 years. In March 2000, the MVD opened a training center for penitentiary system employees in Pavlodar. Together with the OSCE and Prison Reform International (PRI) the Government has undertaken training abroad for 15 instructors from this new institute to review penal policies, including human rights of prisoners.

On April 26, three teenagers widely believed to have been tortured in detention slit their throats in a Zhanatas courtroom after being sentenced to prison terms for fighting with police. One of the 3, 17-year-old Kairat Seidakhmetov, died from the self-inflicted injury. The Kazakhstan International Bureau for Human Rights (KIBHR) and independent television stations charged that police repeatedly tortured these 3 boys and the 17 other individuals charged in the same case. One reportedly suffered a concussion and two broken arms. Police reportedly cut the feet of another and stuck needles under the fingertips of detainees under interrogation. One female detainee charged that police repeatedly raped her. The detainees, some of whom confessed, reportedly had no access to lawyers. Reports of the mistreatment led to demonstrations in Zhanatas in February and again in April following Seidakhmetov's suicide. The July 4 edition of the official *Kazakhstanskaya Pravda* newspaper reported that the Chief of the Legal Bureau of the Presidential Administration visited Zhanatas to investigate the allegations of police torture. The head of the city police force was fired and other MVD employees reprimanded, but criminal charges brought against the policemen involved in the case were later dropped.

Almaty authorities brought criminal charges against two policemen for beating opposition activist Aleksei Martynov in custody in December 1999. A trial began in August but had not been concluded at year's end. No arrests were made in connection with the assault against opposition activist Andrei Grishin in November 1999, shortly after he published a newspaper article critical of a new museum dedicated to President Nazarbayev. Law enforcement authorities claimed that Grishin never filed a complaint. Grishin said he filed a complaint with the Almaty city prosecutor's office in December 1999 and was subsequently interviewed by an Interior Ministry official in January. The authorities took no actions against police who allegedly beat 70 members of an Islamic group from Taraz whom they detained in July 1999. The authorities took no actions against police accused of beating a group of female hunger strikers in Aralsk in April 1999. Police closed investigations, without making arrests, into 1998 assaults against opposition activist Amirzhan Kosanov and a Kazakhstani employee of a foreign embassy. The latter assisted diplomats in making contacts with opposition and human rights figures. Police detained a suspect in connection with the 1998 assault against opposition activist Yelena Nikitenko but did not bring charges, according to official sources, because Nikitenko, who moved away from Kazakhstan, was unavailable to testify.

Six unidentified men assaulted Sergey Bondartsev, a youth organizer for the opposition Republican National People's Party (RNPK), in Almaty on April 9. Bondartsev suffered serious internal injuries that required two operations. At the time of the assault, Bondartsev was organizing a demonstration in support of opposition figure Madel Ismailov, who had earlier in the week been sentenced to a jail term (see Section I.d.). The demonstration did not take place. Law enforcement authorities made no arrests in the case, claiming that Bondartsev had never filed a complaint. Bondartsev asserted that he filed a complaint and that police from the Medeu district of Almaty interviewed him about the assault while he was in the hospital. The attack clearly appeared to have been premeditated.

MVD and other government officials participated in a September conference in Almaty on combating police use of torture that was organized by the OSCE, the KIBHR and the Government of Germany. They acknowledged that police use of torture and other abuses were widespread.

Army personnel continued to subject conscripts to brutal hazing, including beatings and verbal abuse. No statistics were available on the extent of the problem. The Army launched a campaign to punish violators of a new antihazing policy in 1998, and the Government has taken action occasionally against officials charged with abuses, often levying administrative sanctions such as fines for those found guilty. A military court in Zhambul region sentenced a sergeant to death by firing

squad in December. The court ruled the man was guilty of killing two persons and of desertion to avoid responsibility for beating up a soldier under him.

Prison conditions remained harsh and sometimes life-threatening due to inadequate resources. In 1998, 1,290 inmates, more than 1 percent of all prisoners, died from disease, mostly tuberculosis, aggravated by harsh and at times life-threatening prison conditions and inadequate medical treatment (see Section 1.c.). In 2000, 498 prisoners died in custody. More than 200 of these deaths were due to illness, mostly tuberculosis. Another 170 gravely ill prisoners died shortly after release from prison. Government officials indicate that improved treatment undertaken in cooperation with the World Health Organization (WHO) has reduced the deaths from tuberculosis. In 1999, 384 prisoners died of the disease in custody and 409 were released on humanitarian grounds due to illness and died at home (see Section 1.c.).

Overcrowding, inadequate prison diet, and a lack of medical supplies and personnel contributed to the spread of tuberculosis and other major diseases. Government officials reported that 10,000, or 12 percent of all, prisoners suffered from tuberculosis. Government representatives assert that the incidence of tuberculosis is declining, in part as a result of cooperation with WHO to improve conditions for both prisoners and the civilian population. These figures do not differ significantly from figures provided by human rights observers. The Government's senior prisons official acknowledged that the number of prisoners with AIDS is growing. The number infected reportedly grew from 256 in 1999 to 263 in 2000, although the authorities maintain that the prisoners were infected before being incarcerated. Experts believe, however, that many cases go unreported. Prison guards, who are poorly paid, steal food and medicines intended for prisoners. Violent crime among prisoners is common. Prisoners protested poor living conditions in prison through mass self-mutilation. According to the official press, 44 prisoners in Arkalyk reportedly cut open their abdomens on July 13. Some 57 prisoners in an Almaty Juvenile Detention Center cut open their abdomens and wrists on August 11. None of the prisoners died. The deputy head of the Arkalyk prison and the head and deputy head of the Almaty juvenile facility were fired as a result of these incidents.

According to the Interior Ministry, during the year there were approximately 80,000 prisoners in facilities designed to hold 60,000. A 1999 amnesty reduced the total prison population by about 15,000, but the population nearly returned to pre-amnesty levels within a year. The chief national prosecutor deplored overcrowded conditions in an Astana detention center he visited in March, noting that cells of 200 square feet contained 20 detainees each. He reportedly ordered the release of several of the detainees.

The Government followed up its 1999 general prison amnesty in December with a law to provide amnesty in the first 6 months of 2001 for 18,200 inmates, shorten the terms of an additional 2,500, and terminate approximately 3,000 pending criminal cases. The 1999 amnesty resulted in the release of over 15,000 prisoners. Prisoners are allowed one 4-hour visit every 3 months, but additional visits may be granted in emergency situations. Some prisoners are eligible for 3-day visits with close relatives once every 6 months. Juveniles are kept in separate facilities.

Although there is no known statutory requirement, human rights monitors and journalists wishing to visit prisons must receive authorization from the MVD. Although the Government sometimes created obstacles for those who requested access to prisons, the KIBHR reported that its representatives sometimes, but not always, received authorization. The KIBHR visited men's, women's, and juveniles' prisons during the year. Prison experts from the OSCE visited prisons in Akmola and East Kazakhstan oblasts. Two international NGO's, the Dutch Interchurch Aid and Penal Reform International (PRI), accompanied KIBHR on prison visits in Pavlodar during the year. PRI also visited prisons for juveniles and women in Almaty. On September 6, the Minister of Justice announced that the Government had decided to transfer responsibility for prisons from the Ministry of the Interior to the Ministry of Justice. Human rights monitors had called for the change, which President Nazarbayev endorsed in a September 1 address to Parliament.

d. Arbitrary Arrest, Detention, or Exile.—The Government used minor infractions of the law frequently related to unsanctioned assembly to arrest and detain government opponents (see also Section 2.b.). On April 6, authorities in Almaty arrested, tried, and convicted labor movement leader Madel Ismailov for organizing an unsanctioned demonstration and for contempt of court. The Court sentenced Ismailov to 15 days in jail. Ismailov served a 1-year prison sentence in 1998–99 for publicly calling the President a “scoundrel.” The demonstration in question, a regular monthly pensioners’ protest over living conditions, took place on January 30. The contempt of court charge stemmed from Ismailov’s refusal to answer a summons to appear in court on April 5. Ismailov went to the courthouse on April 5 but

refused to enter when, he and press reports alleged, the authorities refused to allow his lawyer or supporters to enter with him.

A court in Almaty on April 24 sentenced two members of the opposition Republican National People's Party of Kazakhstan (RNPK), Pyotr Afanasenko and Satzhan Ibrayev, to 3^o years in prison for a weapons offense. An appeals court upheld the convictions. Afanasenko and Ibrayev, former KNB officers, served as bodyguards to RNPK leader Akezhan Kazhegeldin. Although it appeared there could be a factual basis for the charges against Afanasenko and Ibrayev, the OSCE and international and domestic human rights observers charged that government prosecution and sentencing of them was politically motivated. Some human rights observers also criticized the authorities for incarcerating Afanasenko and Ibrayev in ordinary prisons rather than in special institutions created to protect former members of the security forces from possible retribution by other prisoners.

A member of the RNPK, film director Rashid Nugmanov, a long-time resident of France, was detained by customs and tax officials upon arriving on an international flight to Almaty on May 24 and summoned to appear before the tax police on May 25. His brother, Murat, an Almaty businessman, was also summoned by tax authorities on May 24. Details of the investigation were unclear. RNPK and human rights observers alleged that the investigation of Rashid Nugmanov was motivated politically.

The chief of the Almaty branch of the RNPK, Alikhan Ramazanov, and an activist of the party, Nurlan Bakirkhanov, were brought to trial in Medeu District Court on June 7 for organizing an unsanctioned mass gathering on May 31. Both were fined \$205 (29,000 tenge).

The law sanctions pretrial detention. According to the Constitution, police may hold a detainee for 72 hours before bringing charges. The Criminal Code allows continued detention for much longer periods with the approval of the General Prosecutor of the Republic. Lower-ranking prosecutors may approve interim extensions of detention. In practice police routinely hold detainees, with the sanction of a prosecutor, for weeks or even months without bringing charges, and prolonged detention is a serious problem. The General Prosecutor's office was reported in the official Russian-language newspaper *Kazakhstanskaya Pravda* as stating that law enforcement authorities held more than 7,000 persons in custody longer than legally allowed in 1998. Government officials have subsequently denied this, but no other statistics concerning the scale of this practice have been made available. Additionally, short (3hour) and long (72-hour) detentions for "suspicion" are used widely.

A bail system exists, but government officials indicate that only 47 persons were released on bail in the first 8 months of the year (no figure for total detainees was available, but 28 persons were released on bail out of the 26,598 persons detained in the first 8 months of 1999).

According to the Constitution, every person detained, arrested, or accused of committing a crime has the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation. This right generally is respected in practice. Human rights monitors allege that law enforcement officials have pressured prisoners to use certain attorneys or to refuse the assistance of an attorney, sometimes resulting in a delay before the accused sees a lawyer. Detainees also may appeal the legality of detention or arrest to the prosecutor before trial, but in practice most persons refrain from making an appeal due to fear of reprisal for doing so. If the defendant cannot afford an attorney, the Constitution provides that the State must provide one free of charge. Human rights organizations allege that many prisoners are unaware of this provision of the law. The Government's reluctance to provide a lawyer is partly attributed to a shortage of funds to pay court-appointed lawyers to which defendants are entitled. Some lawyers are reluctant to defend clients unpopular with the Government.

Almaty authorities detained well-known criminal defense lawyer Anatoly Ginzburg for 3 days in July after Ginzburg agreed to defend a man charged in a high-profile murder case. Ginzburg remained under investigation for allegedly stealing documents from the MVD in 1994, although no charges were filed. According to one press report, Ginzburg had been warned by "the authorities" not to defend Anatoly Adamov, the former deputy director of the national arms export agency, Kazspetsexport, in connection with the April 15 murder of Kazspetsexport director Talgat Ibrayev. Ginzburg and human rights monitors alleged that the authorities detained Ginzburg in order to dissuade him from defending Adamov. In July the Union of Lawyers of Kazakhstan sent an open letter to the heads of the national law enforcement agencies to protest the Ginzburg case and a "universal" pattern of abuse of the rights of criminal defense lawyers. The letter charged that law enforcement authorities infringe on the rights of lawyers to meet confidentially, and as often as necessary, with defendants; deny lawyers access to government buildings,

including the courts; search the lawyers' belongings when allowing them to enter; and surreptitiously record lawyers' conversations with clients. In response to the letter, the Coordinating Council of the National Law Enforcement Agencies, under the chairmanship of the Prosecutor General, passed a resolution in August calling on the agencies to abide by the law and, where necessary, to draft new statutes guaranteeing that lawyers can effectively do their work. However, a representative of the local lawyer's association maintained that the Government had not passed any statutes facilitating lawyers' work by year's end.

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

e. Denial of Fair Public Trial.—Government interference and pressure compromised the court system's independence throughout the year—a situation based largely on legislative, administrative and Constitutional arrangements that in practice subjugate the judiciary to the executive branch of government. A presidential decree signed in September sought to lessen executive branch control of the judiciary by moving responsibility for the courts' administrative support from the justice ministry to the Supreme Court, though its ultimate impact remained uncertain.

There are three levels in the court system: Local; oblast (provincial); and the Supreme Court. According to the Constitution, the President proposes to the upper house of Parliament (the Senate) nominees for the Supreme Court. (Nominees are recommended by the Supreme Judicial Council, members of which include the chairperson of the Constitutional Council, the chairperson of the Supreme Court, the Prosecutor General, the Minister of Justice, Senators, judges, and other persons appointed by the President.) The President appoints oblast judges (nominated by the Supreme Judicial Council) and local level judges from a list presented by the Ministry of Justice. The list is based on recommendations from the Qualification Collegium of Justice, an institution made up of deputies from the lower house of Parliament (the Majilis), judges, public prosecutors, legal experts, and Ministry of Justice officials. Under a change introduced in December, the President appoints the collegium chairman.

According to legislation passed in December 1996, judges are appointed for life, although in practice this means until mandatory retirement at age 65. Under a 1995 presidential decree on the courts and the status of judges, the President can remove judges, except members of the Supreme Court or chairmen of judicial collegia, upon recommendation of the Minister of Justice. (The Minister's recommendations must in turn be based on findings by either the Supreme Judicial Council or Qualification Collegium of Justice that the judge failed to, or was no longer capable of, performing his duties.) The President can request, based on recommendations from the Supreme Judicial Council, that the Senate remove members of the Supreme Court or chairmen of judicial collegia.

The 1995 Constitution abolished the Constitutional Court and established a Constitutional Council. The Council rules on election and referendum challenges, interprets the Constitution, and determines the constitutionality of laws adopted by Parliament. The President directly appoints three of its seven members, including the chairman, and has the right of veto over Council decisions. The Council can overturn a presidential veto if at least two-thirds, or five, of its members vote to do so. At least one presidential appointee must therefore vote to overturn the President's veto in order for the Council to overrule the President. Citizens do not have the right to appeal to the Council about the constitutionality of government actions, although they were allowed to make such appeals to the former Constitutional Court. Under the Constitution, only the President, chairperson of the Senate, chairperson of the Majilis, Prime Minister, one-fifth of the members of Parliament or a court of law may appeal to the Constitutional Council. The Constitution states that a court shall appeal to the Council if it "finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen."

Local courts try less serious crimes, such as petty theft and vandalism. Oblast courts handle more serious crimes, such as murder, grand theft, and organized criminal activities. The oblast courts also may handle cases in rural areas where no local courts are organized. Judgments of the local courts may be appealed to the oblast-level courts, while those of the oblast courts may be appealed to the Supreme Court. There is also a military court.

The Constitution and the law establish the necessary procedures for a fair trial. Trials are public, with the exception of instances in which an open hearing could result in state secrets being divulged, or when the private life or personal family concerns of a citizen must be protected.

According to the Constitution, defendants have the right to be present, the right to counsel (at public expense if needed), and the right to be heard in court and call witnesses for the defense. Defendants enjoy a presumption of innocence, are pro-

tected from self-incrimination, and have the right to appeal a decision to a higher court. Legal proceedings are to be conducted in the state language, Kazakh, although Russian also may be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area. In most cases, these rights are respected. However, cases involving government opponents frequently are closed. Labor movement leader Madel Ismailov alleged that the Medeu district court in Almaty refused to allow the public to observe an administrative trial against him in April (see Section 1.d.).

The problem of corruption is evident at every stage and level of the judicial process. Lawyers and human rights monitors alleged that judges, prosecutors or other officials solicit bribes in exchange for favorable rulings in nearly all criminal cases. Judges are poorly paid. According to the Minister of Interior, in 2000 the Government dismissed 613 MVD officers and initiated criminal proceedings against 105 for corruption related crimes. The Prosecutor General stated that 9 senior prosecutors, 8 district prosecutors and 3 department heads had been fired for similar offenses. The Ministries of Justice and Internal Affairs have received additional funding to increase salaries for law enforcement agents and judges. Human rights monitors allege that these government actions only scratch the surface of the problem. According to press and other accounts, judicial positions can be purchased.

There were no political prisoners. However, opposition and human rights activists charged that the prosecution and imprisonment of Pyotr Afanassenko and Satzhan Ibrayev was politically motivated (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Despite Constitutional protections, the Government infringed on these rights. The Constitution provides that citizens have the right to “confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages.” However, limitation of this right is allowed “in cases and according to procedures directly established by law.” The KNB and Ministry of Internal Affairs, with the concurrence of the general prosecutor’s office, can and do interfere with citizens’ privacy and correspondence. The Criminal Procedure Code allows the police and KNB to conduct searches or monitor telephone calls and mail without a warrant if they inform the General Prosecutor’s office within 24 hours of such activity. Some government opponents complained that the Government monitored their movements and telephone calls.

A central, state-run billing center for telecommunications services opened during the year. Few companies complied with government requirements to route their services through the center; those that did comply routed service only for the city of Almaty through the center. The Government presented the creation of the center as an attempt to ensure that all telecommunications traffic was being taxed properly. NGO’s, opposition figures, and human rights monitors expressed concern that the Government would use the center to enhance its ability to monitor telecommunications and control the availability of information on the Internet. Government officials denied that this was their intent. As of year’s end there was no effort to systematically block access to web sites. However, clients of the two largest Internet providers, Kazakhtelecom and Nursat, were blocked from direct access to the opposition Evrasia website from September 15 to October 15. They still could access the site through proxy servers. Users of other Internet services could access the site without difficulty.

A 1999 decree that would have required telecommunications companies to conform their equipment to KNB standards was repealed on May 22. Human rights monitors and many potentially affected companies had sharply criticized the decree.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and a 1999 press and media law provide for freedom of speech and of the press; however, the Government restricted these freedoms in practice. The Government harassed independent and opposition media, and as a consequence many journalists practiced self-censorship.

The media law reaffirms the Constitutional provision for free speech and prohibits censorship; however, the Government takes advantage of the law’s vague language effectively to restrict media freedom. For example the law prohibits the mass media from “undermining state security” or advocating “class, social, race, national, or religious superiority” or “a cult of cruelty and violence.” Under the law, owners, editors, distributors, and journalists can be held responsible for violations. The law also requires all media to register with the Government, but it does not set forth an appeals process, other than through the courts, if registration is denied. A vaguely written 1998 law on national security similarly restrains media freedom. It gives the Prosecutor General the authority to suspend the activity of news media that undermine national security. A 1999 state secrets law established a list of government

secrets the release of which is proscribed in the Criminal Code. Much of the information on the expansive list was vaguely defined and thereby likely to inspire media self-censorship. The law defines, for example, certain foreign policy information as secret if "disclosure of this information might lead to diplomatic complications for one of the parties." The list of state secrets enumerated in the law also included all information about the health and private life of the President and his family. Also defined as state secrets was basic economic information such as the volumes and scientific characteristics of national mineral reserves and the amount of government debt owed to foreign creditors.

In an April 19 speech to law enforcement officials, the President called for the verification of mass media compliance with the media and national security laws and how the media are financed. The President sharply criticized much of the national mass media, including the Khabar state television channel, which is operated by his eldest daughter. He accused Khabar of tendentious reporting; he accused other unnamed media outlets of "inciting national strife, insulting the dignity of the people, coming out against the Constitutional system (and) disparaging their country." Consistent with public assurances on April 24 by the Minister of Culture, Information, and Social Accord that the President's speech did not presage a crack-down on the media, government policy toward the media did not appear to change after the President's speech. However, human rights monitors charged that the tone of the President's speech reinforced a climate of media self-censorship and law enforcement harassment of the media. Nonetheless, new licenses for media of various forms continued to be issued and, according to the Government, the number of media outlets in the country increased.

In October the Government introduced draft amendments to the media law that would limit foreign media rebroadcasters to per cent of a station's total air time, hold media outlets responsible for the accuracy of foreign media they rebroadcast, and force websites to register as media outlets. Journalists and NGO's charged that the draft law would infringe freedom of speech.

The Government continued to be in a strong position to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. Although publications expressing views independent of the Government continued to publish, the Government took measures to punish publications that reported certain undesirable stories and harassed two publications that were affiliated with one of the opposition parties, measures taken with the evident intention of intimidating certain media critics. These actions and the resulting widespread belief that the Government was cracking down on independent media effectively resulted in widespread media self-censorship. In January a court in Ust-Kamenogorsk ordered the local HBC-Press newspaper to suspend publication for 3 months. The court found, and an appeals court subsequently upheld, that the newspaper had violated the media law by publishing an article calling for the overthrow of the country's constitutional system. The article in question contained a public appeal from the leader of a Russian nationalist group arrested in November 1999 for plotting to overthrow the local government in Ust-Kamenogorsk. The newspaper had received a copy of the appeal at a news conference attended by other local media. The editor of HBC-Press asserted that representatives of the KNB at the press conference did not warn journalists not to publish the press release. HBC-Press went out of business without resuming publication after the court-ordered suspension.

The key subject considered "off limits" by journalists was personal criticism of the President and his family. Most newspapers did not present the story, widely reported in the western press, about alleged American and Swiss investigations into possible illicit payments by a foreign businessman to President Nazarbayev and two former Prime Ministers. However, *The Globe*, a small-circulation Russian-English bilingual newspaper based in Almaty, dedicated most of one edition to the subject. Law enforcement authorities visited the newspaper's office on the day the issue appeared, July 6, to summon its publisher for questioning. The visit appeared to be in response to the content of the July 6 edition, although government officials characterized the visit as a routine tax inspection. *The Globe* stopped printing for a month after refusing, its management claimed, to agree to a request from its government-owned publishing house to refrain from including such controversial material. About 1 month after resuming publication, the newspaper announced that the publishing house would no longer print the newspaper following inclusion of an article critical of the Prime Minister. However, the newspaper continued to publish, and no charges were brought against the publisher, who remained abroad.

The Government took steps that inhibited the publication and distribution of newspapers affiliated with the opposition. The tax police temporarily seized newspapers during investigations of various printing houses; they were later returned.

Government actions appeared to focus in particular on two newspapers associated with RNPk, the party of former Prime Minister Akezhan Kazhegeldin, Twenty-First Century (XXI VEK) and SolDat. Both newspapers had difficulty finding printing houses willing to publish them, resulting in several missed editions. Twenty-First Century finally purchased its own small printing machine but on December 27 unknown individuals allegedly broke into their offices and short-circuited the machine. Customs officials seized a run of Soldat newspaper when the editors tried to bring it across the border from Russia. These papers were also later returned. SolDat also attempted to print in the Kyrgyz Republic twice during the year, but both runs were confiscated by customs at the border. However, both newspapers continued to appear during the year.

The KNB reportedly was investigating SolDat and its editor in chief, Yermurat Bapi, in connection with a complaint that the newspaper insulted the honor and dignity of the President, an offense proscribed in the Criminal Code. The complaint arose from two articles in the newspaper's June 22 edition that reported corruption allegations against the President. The articles were purportedly reprints from Western publications.

In June a government-run publishing house refused to continue printing SolDat. The Ministry of Agriculture publishing house had been printing the newspaper for 8 months. The chief of the publishing house told journalists that he acted because the newspaper's editors failed to meet unspecified contractual obligations. The management of SolDat denied the charge. After SolDat subsequently began publishing in Russia, its management claimed that customs officials at a border crossing point near Semipalatinsk seized an entire print run of the newspaper on July 5. Editor in chief Bapi, who was transporting the newspapers, said that customs officials justified the action because Bapi misstated the number of newspaper bundles he was transporting. SolDat management publicly charged that officials seized the newspaper because it contained articles critical of President Nazarbayev on the occasion of his 60th birthday. Twenty-First Century continued to have difficulty finding printing houses willing to publish it, though it managed to circulate with inferior print quality. On April 27, the tax police in Almaty seized an entire print run of the newspaper at a publishing house because of alleged tax violations by the printer. Government authorities said that the seizure was directed at the printer, not the newspaper.

The independent newspaper Nachnyem's Ponedelnika, which specializes in investigative articles about government corruption, continued to face a number of defamation lawsuits, many from government officials. After finding in favor of a defamation suit brought by the association of judges, a court in Almaty ordered the seizure of the newspaper's assets, along with the personal assets of its founder and executive director, on May 24. Police confiscated the newspaper's print run, financial records, office equipment, and furniture, on the next day. In June a judge in Almaty fined Nachnyem's Ponedelnika \$350,000 (50 million tenge) for infringing on the name of another newspaper. The fine was reduced to \$2,000 (290,000 tenge) by an appeals court in July. Management of Nachnyem's Ponedelnika alleged that these and other lawsuits against it were politically motivated and that prosecutors, the tax police, and the mayor of Almaty were harassing the newspaper. Government officials denied they were conducting a campaign against the newspaper, and maintained that reckless allegations in the newspaper were responsible for the spate of civil law suits against it.

Government's influence over media outlets is extensive. According to government statistics, there were 1,258 mass media and information agencies in the country as of September 1, 76 percent of them privately owned. However the Government runs the newspapers that appear most frequently, five times a week, a number of privately owned media are believed to be controlled by members of the President's family, and many of those which are nominally independent, particularly Kazakh-language print media, receive government subsidies. There are a number of newspapers that are produced by government ministries, for example, Kazakhstan Science, which is published by the Ministry of Science. Each major population center has at least one independent weekly newspaper. There are 11 major independent newspapers in Almaty.

The Government controls nearly all broadcast transmission facilities. There are 45 independent television and radio stations (17 television stations, 15 radio stations, and 13 combined television and radio stations). Of these, 11 are in Almaty. There are only two government-owned, combined radio and television companies; however, they represent five channels and are the only stations that can broadcast nationwide. Regional governments own several frequencies; however, independent broadcasters have arranged with local administrations to use the majority of these. An

organization of electronic media, the Association of Independent Electronic Media of Central Asia (ANESMI), exists, but it is divided and weak.

On March 31, the independent Almaty television channel 31 fired Tatiana Deltsova, the chief editor of its nightly news program, under what the station president publicly alleged was a government threat to close the station. The reported cause of Deltsova's dismissal was an article that she presented March 30 about vandals' attacks earlier that day on the homes of three leading Government opponents (see Section 2.b.). Government officials reportedly had expressed their dissatisfaction previously with Deltsova's coverage of the opposition. At year's end, Deltsova was hosting a new news program on the television company TAN, an independent television station.

There were no reports, as there were in 1998, that the Government threatened not to renew broadcast licenses of outofavor independent stations. There were also no frequency auctions; many members of the independent media and human rights monitors believed that the Government used the auctions in the past to harass and even eliminate independent media.

During the campaign for the January 1999 presidential election, many members of the independent media reported Government pressure not to cover opposition candidates. Media coverage of the campaign for the October 1999 parliamentary elections was extensive and featured all candidates. A nationally televised 2^o hour live debate on Khabar state television featured representatives of the nine registered parties that were participating in the party-list section of the vote. Despite these improvements over the presidential election, independent media around the country reported official pressure to give the majority of their parliamentary election coverage to the pro-presidential Otan party. They also reported that government authorities told them to limit coverage of, and to focus on negative news about, the RNPK and Azamat opposition parties, as well as the Orleu ("Progress") opposition movement. Some television editors claimed that they were told categorically not to cover certain opposition candidates. An RNPK candidate, Twenty-First Century newspaper editor Bigeldy Gabdullin, charged, correctly, that his free broadcast was not shown in his home constituency of Talgar.

The Constitution provides for the protection of the dignity of the President, and the law against insulting the President and other officials remained on the books. The 1999 media law did not control, as did the earlier media law, advertising in the mass media. One law restricts alcohol and tobacco advertising on television. The 1999 media law prohibited violence and all "pornography" from television broadcasts.

Academic freedom is circumscribed. As is the case for journalists, academics cannot violate certain taboos, such as criticizing the President and his family. During the presidential election campaign of 1999, there were widespread credible reports that university and school administrators coerced faculty, students, and the parents of schoolchildren to sign nominating petitions for the reelection campaign of President Nazarbayev. Administrators reportedly pressured faculty to join the pro-presidential Otan party formed later in 1999. According to credible reports, authorities in Karaganda pressured the administration of the private Bolashak University to cancel a scheduled April 11 lecture by a leading critic of the Government, political scientist Nurbulat Masanov. An MVD officer was reportedly fired in April for allowing Masanov to deliver a lecture at the MVD senior officers school. Masanov was unemployed since faculty at the state Al-Farabi University in Almaty voted in 1998 not to renew his contract, allegedly over his political views. Unknown vandals attacked Masanov's apartment, as well as those of two other opposition activists, in March (see Section 2.b.). Course topics and content generally are subject to approval by university administrations. There were reports that university students in private as well as state universities sometimes had to pay bribes for admission and good grades.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for peaceful assembly; however, the Government and the law impose significant restrictions. The 1998 law on national security defined as a threat to national security "unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes" that upset social and political stability.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits. However, opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They reported that local authorities, especially those outside the largest city, Almaty, turned down most applications for demonstrations in central locations. Officials in Almaty authorized a March 31 dem-

onstration in the center of the city by members of the opposition RNPk, although party members alleged that the authorities were complicit in allowing students from Interior Ministry and olympic-games training schools to disrupt the event.

In the early morning hours of the day preceding the demonstration, unknown persons vandalized the Almaty apartments of RNPk activists Nurbulat Masanov and Amirzhan Kosanov as well as of another well-known opposition figure, Seidakhmet Kuttykadam of the Orleu movement. The vandals cemented or jammed shut the apartment doors, cut electrical and telephone lines, painted threatening graffiti, and hurled a rock through a window into a bedroom where Kosanov's infant daughter was asleep. The three activists publicly charged that government agents working through the KNB were responsible for the crimes. Government officials denied the charge and suggested that the victims might have orchestrated the incidents to attract sympathy, a charge the activists denied. During the week following the incident, Kosanov received a series of messages threatening him and his family. Law enforcement investigations into the incidents were closed without arrests. On March 31, the President of Almaty's independent Television-Radio Channel 31 acting under what he said was government pressure, fired the station's news editor for including a report about the vandalism incidents on the nightly news (see Section 2.a.).

There were numerous peaceful, unsanctioned demonstrations by workers and pensioners protesting difficult economic conditions and the nonpayment of wages. For the most part, law enforcement authorities did not interfere in the demonstrations or take action against the individuals who participated; however, there were some exceptions. In March a court in Astana sentenced a labor union leader to 24 hours in jail for organizing an unsanctioned demonstration by striking construction workers (see Section 6.a.). The authorities arrested well-known government opponent Madel Ismailov (see Section 1.d.), who took part in the longstanding monthly pensioners' demonstrations in Almaty; other participants were not arrested. On April 20, the city court of Ust-Kamenogorsk suspended the activities of the local chapter of the Pokoleniye pensioners' movement for 3 months, charging that the group systematically carried out unsanctioned demonstrations. On December 13, the Bostandyk district court of Almaty found Sakhil Zhanabayeva guilty of organizing an unsanctioned mass gathering and sentenced her to 5 days in jail. Zhanabayeva, an activist of the Kazakhstan Workers Movement, had taken part in a protest by pensioners on November 30.

The chief of the Almaty branch of the RNPk, Alikhan Ramazanov, and an activist of the party, Nurlan Bakirkhanov, were brought to trial in Medeu District Court on June 7 for organizing an unsanctioned mass gathering on May 31. Both were fined \$205 (29,000 tenge).

The RNPk claimed that it was denied access to hotels and other venues in Almaty in May and June. Allegedly the Government had told hotels and other venues in Almaty not to provide their premises for meetings of political parties or movements.

The Constitution provides for freedom of association; however, the Government and the law impose significant restrictions on this right. Organizations that conduct public activities, hold public meetings, participate in conferences, or have bank accounts must be registered with the Government. "Membership organizations," such as churches or political parties, must register in each of the 14 provinces where they have active members, whereas "nonmembership organizations," such as NGOs, only register at the national level. Registration on the local level requires a minimum of 10 members and on the national level, a minimum of 10 members in at least 7 of the 14 oblasts. In addition a registration fee of \$135 (19,845 tenge) is required, and most organizations must hire lawyers or other consultants to expedite their registrations through the bureaucracy. This increases the registration cost by approximately \$200 (29,400 tenge). Some groups consider these costs to be a deterrent to registration.

The Constitution prohibits political parties established on a religious basis. The Government has refused to register ethnically based political parties on the grounds that their activities could spark ethnic violence; however, the small Kazakh ethnic nationalist "Alash" Party was registered for the 1999 parliamentary elections. The Constitution bans "public associations"—including political parties—whose "goals or actions are directed at a violent change of the Constitutional system, violation of the integrity of the republic, undermining of the security of the state (and), fanning of social, racial, national, religious, class, and tribal enmity." All of the major religious and ethnic groups have independently functioning cultural centers.

To participate in elections, a political party must register with the Government. The Government registered 3 new parties in addition to the 10 registered to participate in the 1999 parliamentary elections. At least three parties registered in 1999 were widely viewed as opponents of President Nazarbayev. Under current law, a

party must submit a list of at least 3,000 members from a minimum of 9 oblasts. (The cities of Almaty and Astana count as oblast-equivalents in addition to the 14 oblasts for this purpose.) The list must provide personal information about members, including date and place of birth, address, and place of employment. For many citizens, the submission of such personal data to the Government is reminiscent of the tactics of the former Soviet KGB and inhibits them from joining parties. Under the law, members of unregistered parties may run for elected office as individuals but not as party members. The party affiliation of candidates does not appear on ballots for candidates in single-mandate parliamentary constituencies. Since the 1999 elections, 10 members of the lower house of Parliament (Majilis) are elected on the basis of proportional, party-list voting. Two registered opposition parties, Azamat and the RNPk, increased their organizational activities. They participated in training seminars, were active in public political debates, and held press conferences.

The Minister of Internal Affairs rescinded in October a directive that MVD claimed gave law enforcement officers the right to attend any meetings of political parties and NGO's. This claim, to which human rights monitors and opposition party leaders had strongly objected, had been upheld by the Supreme Court in July. Authorities had first asserted this claim when they brought charges against Bigeldy Gabdullin, a leading figure in the opposition RNPk, for obstructing the work of a state organ. The charges arose from a December 1999 incident in which Gabdullin insisted that a senior MVD officer leave a meeting of RNPk officials at the RNPk office in Almaty. An Almaty court convicted Gabdullin on January 25 and fined him \$35 (5,000 tenge). The conviction was upheld on appeal. The judge in the case said she based her decision on the presidential decree on the organization and conduct of peaceful meetings, rallies, pickets, and demonstrations, which authorizes law enforcement agents to attend certain public gatherings. However, Gabdullin's lawyer stressed that article 11 of the decree explicitly exempts indoor meetings of public associations, such as political parties, that are held in accordance with law and the group's charter.

The Constitution prohibits foreign political parties and foreign trade unions from operating. In addition the Constitution prohibits the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the various denominations worship largely without government interference; however, the Government sometimes harasses Islamic and Christian groups whose members it regards as religious extremists. The Constitution defines the country as a "secular" state. The constitution also requires foreign religious associations to carry out their activities, including the appointment of the heads of religious associations, "in coordination with appropriate state institutions." In general the Government does not interfere with the appointment of religious leaders or other activities of foreign religious associations, although foreign missionaries have encountered some visa problems.

Religious organizations, including churches, must register with the Ministry of Justice in order to receive legal status. Without registration, religious organizations cannot buy or rent real property, hire employees, obtain visas for foreign missionaries, or engage in any other legal transactions. Although religious organizations, unlike other nongovernmental organizations, are entitled by law to carry out their activities without government registration, in practice many local officials insisted that they register and in a few instances, disrupted services by unregistered groups. Registration requires an application submitted by at least 10 persons and is usually a quick and simple process. Some religious groups out of favor with the Government have encountered difficulties registering in certain jurisdictions. These groups include Jehovah's Witnesses and some Korean Protestant groups, as well as Muslim groups independent of the Mufti (the national leader of Islam). Foreign missionaries require state accreditation. Witnesses reported continued difficulties with registration in Pavlodar, Osakarovka and Kzyl-Orda in 2000. One group of Jehovah's Witnesses in Petropavlovsk has attempted to register five times. They received four rejections and still have no answer to their latest, September 9, application. One human rights monitor asserted that the Government typically claims that religious groups' charters do not meet the requirements of the law. For example, Kazakhstani law does not allow religious groups to engage in educating children without education ministry approval, and many religions include education in their charters.

A 1999 law on education forbids the activities of educational institutions, including religious schools, that have not been registered by the Ministry of Education. Although no religious schools are known to be registered, the Government apparently took no action against religious schools over registration pending full imple-

mentation of the law. On December 19, First Deputy Minister of Education Erlan Aryn sent a letter to all regional education departments rescinding an earlier ban on visits to schools by religious figures, humanitarian and other aid from religious organizations, and the rental of facilities to religious groups.

Government officials frequently expressed concerns about the potential spread of religious extremism from Afghanistan and other states. Despite concerns about regional security threats from groups claiming a religious basis, the Government did not impose new legal restrictions on religious freedom. Draft restrictive amendments to the law on religion, withdrawn by the government in March 1999, were not reintroduced. However, the country's highest law enforcement officials called for toughening the religion law. The Procurator General of the Republic and the Interior Minister both called for prohibiting the activities of unregistered religious organizations. In February the Interior Minister publicly expressed his dissatisfaction with the presence of conservative Muslims in the country and criticized a local official for attending a stadium meeting of Jehovah's Witnesses. The KNB has characterized the fight against "religious extremism" as a top priority of the internal intelligence service. The official Russian-language newspaper, *Kazakhstanskaya Pravda*, and the official television station, *Khabar*, present as objective news allegations that unregistered religious groups present a threat to national security and social cohesion.

The Ministry of Justice has requested that Jehovah's Witnesses amend their charter to eliminate education as a religious activity. However there were no reports that the Government shut down religious schools. Information on the number of such schools, if any, operating in Kazakhstan, was not available.

In September an education ministry official announced that the Foreign Ministry would "recall" all Kazakhstani students studying in religious institutions outside Kazakhstan, a step considered by some observers to be aimed primarily at preventing young Muslims from being radicalized by militant Islamic education abroad. The official said that the measure was intended to protect the country against religious extremism. It was unclear how the Government would implement the policy. The Government announced that several students studying in Pakistan, Iran, and Turkey would return voluntarily by year's end.

On June 26, the Third Congress of Muslims in Kazakhstan voted to appoint Absattar Derbisaliyev as the new mufti (spiritual chief) of the national Muslim organization. Senior government officials, including reportedly the Chief of the Presidential Administration and the Minister of Culture, Information, and Public Accord, took part in the Congress. Some Muslims alleged that the government officials engineered Derbisaliyev's appointment and the resignation of his predecessor. Derbisaliyev publicly denied that government officials present at the Congress influenced the votes of congress participants, arguing that they were not there when the voting was conducted.

Some local officials continued to maintain, contrary to law, that unregistered religious organizations could not conduct religious activities. Local KNB officials disrupted meetings in private homes of unregistered groups of Jehovah's Witnesses in Pavlodar, Osakarovka and Kyzl-Orda. In March the city prosecutor's office in Astana, the national capital, issued a written warning to a group of schismatic Baptists for not being registered. Earlier in the month, the head of the local Astana office of the Ministry of Culture, Information, and Social Accord visited the leader of the schismatic Baptists to recommend that the church alter its charter prohibition against seeking government registration and apply for registration. In September a Baptist congregation in Astrakhanka was ordered to close by the district court until it complied with registration requirements. Earlier, the pastor had been fined \$10 (1,500 tenge) for failing to register the church. In September KNB official confiscated Bibles and other literature from a prayer group in Kyzl-Orda and had not by year's end returned the documents despite the Prosecutor's order to do so. Law enforcement authorities in Akmola Oblast, the province that includes Astana, conducted regular inspections of religious organizations in order, they asserted, to prevent the development of religious extremism and to ensure that religious groups pay taxes.

Representatives of Jehovah's Witnesses alleged incidents of harassment by a number of local governments. They claimed that city officials in Astana, Almaty, and Shymkent sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings. In other cities, officials allowed the church to rent facilities for such gatherings. Church representatives alleged in March that the director of one facility in Almaty told them that city officials had given instructions not to rent space to Jehovah's Witnesses. A city official denied the allegation. Church representatives also alleged that the Prosecutor's Office in Kostenai requested information from the church about its clergymen, organizational structure,

and schools, and that in April documents of Jehovah's Witnesses congregations in Taraz and Abay were inspected. The church faced difficulties registering communities of church members in Petropavlovsk, where registration has been denied several times, and Aktau, although it ultimately was registered in Aktau. On June 7, local KNB and Interior Ministry officers, accompanied by local government officials, raided a prayer house belonging to a registered community of Jehovah's Witnesses in the village of Derbesek (South Kazakhstan Oblast). The officers confiscated religious literature and church correspondence. Church representatives complained to district and oblast KNB officials that the raid was illegal because the officers did not have a prosecutor's warrant. In response the director of the KNB department for South Kazakhstan Oblast wrote a letter confirming that no evidence of "illegal missionary activity" was discovered and that the local KNB officers who participated in the raid had been ordered to return the seized literature and correspondence, which they did at the end of June.

On occasion the authorities took action against groups engaged in proselytizing. In December, two female Jehovah's Witnesses were arrested and detained for one day for proselytizing in Talgar. The police confiscated their documents but returned them after three days. No charges were filed. On December 15, two Krishna Consciousness devotees were detained in Aktobe for selling Krishna books on the street. Police confiscated 20 books, but later released the women without charges. However, one Krishna leader reported that in most oblasts officials leave their followers alone. In July in Akshoki, near the Chinese border, members of a Baptist church reported that local KNB officials, police and clergy incited a crowd to threaten a group preaching Christianity and burn Christian literature. One member was severely beaten by a group of eight men who demanded he convert to Islam. Government officials declined to comment on this incident.

Foreign missionary activity is authorized under law, but only when missionaries are accredited by the State. In practice many missionaries operate without accreditation. Although legally entitled to register religious organizations, foreign missionaries generally find that to be registered they had to list a majority of local citizens among the 10 founders of the religious organization. Some foreign missionaries, whose presence is unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by junior government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize. Jehovah's Witnesses reported difficulties obtaining visas for foreign missionaries to visit Kazakhstan. Other missionaries are harassed by local officials regularly. On June 7, immigration officials at Almaty airport refused to admit an American missionary. The missionary, who held a valid visa, alleged that airport authorities did not give an explanation for his exclusion, saying only that the reasons were secret. The missionary suggested that his exclusion might have been related to problems that he had experienced 6 months earlier with customs officials in Russia, where he had performed religious work. He subsequently was denied a visa to return to Russia. Government officials subsequently confirmed the refusal to grant entry to the missionary and indicated that his name matched one on an immigration lookout list that had been circulated to members of the Commonwealth of Independent States (CIS).

Other foreign missionaries, unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by low-level government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize. Kazakhstan's small Jewish population continued to revive. Following the foundation of the Jewish Congress of Kazakhstan in December 1999, seven new synagogues opened during the year.

The authorities took no actions against police who allegedly beat 70 members of an Islamic group from Taraz who were detained and ultimately released in 1999. The Government invited the national leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in state events. Leaders of other faiths participated in some events, especially in Almaty. In December 1999, during a visit to the United States, the President presented to the Lubavitcher community documents relating to the father of the late Lubavitcher rabbi, Menachem Schneerson. Joint appearances by the Islamic mufti and the Orthodox archbishop, often in the presence of the President, were intended to promote religious and ethnic harmony. Some members of other faiths, including Muslims not affiliated with the national Muslim organization headed by the mufti, criticized the Government's inclusion of the mufti and archbishop in state events as official favoritism and a violation of the Constitutional separation of church and state. Many also believe that the distinction

government officials sometimes make between “traditional” and “nontraditional” religions violated the fundamental standard of equality among religions.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right to emigrate and the right of repatriation; both are respected in practice. The Law on National Security prohibits persons who had access to state secrets through their work from taking up permanent residence abroad for 5 years after leaving government service. Citizens have the right to change their citizenship, but are not permitted to hold dual citizenship.

According to the Constitution, everyone who is legally present in the country has the right to move freely on its territory and freely choose a place of residence except in cases stipulated by law. This provision formally abolished the “propiska” system of residence permits, a holdover from the Soviet era, which ended in 1991, and replaced it with a system of registration. However, in practice citizens still are required to register in order to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty due to its relative affluence and local officials’ fears of overcrowding. The Government can refuse to register a citizen, just as it did under the propiska system, in order to limit the number of persons who can move to a certain city or area.

There were no further reports of government efforts to restrict the movement of foreigners around the country. There were no further reports of foreigners being detained for entering restricted areas that were not clearly marked. Likewise, there were no further reports by foreigners that they were denied access or required to pay exorbitant entry fees to ostensibly free national parks. There were no reports that the authorities refused to approve the assignment of foreign aid workers to towns considered “sensitive,” as had been the case in earlier years. Internal visas are no longer required for foreigners traveling outside Almaty.

An exit visa is required for citizens who wish to travel abroad. Although refusals are rare in general, some opposition political figures encountered difficulties obtaining exit visas. The deputy chairman of the RNPk, Gaziz Aldamzharov, did not receive an exit visa for a trip he planned in February. He reported that immigration authorities told him that the visa could not be issued because of an unspecified criminal investigation against him. He ultimately received a visa after the dates of his intended travel. There have been reports of some officials demanding bribes for exit visas. It is usually necessary to meet a number of bureaucratic requirements before the exit visa is issued. A permanent exit visa is much more difficult to obtain. It requires criminal checks, documents from every creditor stating that the applicant has no outstanding debts and letters from any close relatives with a claim to support from intending emigrants giving their concurrence to the exit visa. In October the President and then-Minister of Internal Affairs announced their intention to eliminate the exit visa requirement for temporary visits or permanent residence abroad, but no action had been taken by year’s end.

Foreigners must have exit visas, although they receive them routinely as part of their entry visa. Foreigners who overstay their original visas, or who did not receive exit visas as part of their original visas, must get exit visas from the immigration authorities before leaving. Foreign visitors are required to register, depending on their circumstances, either with the immigration officials who admit them at the airport or with the local office of visas and registration (OVIR). Many foreigners complained that the process was bureaucratically cumbersome. Foreigners are no longer required to register in every city they visit. One registration with OVIR is sufficient for travel throughout the country. Immigration authorities occasionally refused to allow foreigners without proof of registration to leave the country.

Authorities used the 1999 Law on State Secrets to justify confiscating the passport of Amirzhan Kosanov, an official of the opposition RNPk, as he tried to fly to the United Kingdom on November 25 (see Section 3). Kosanov, who had traveled abroad during the 3 years between his departure from government service and full implementation of the state secrets law, said that he had a valid exit visa and U.K. entry visa for the November trip. Almaty migration police in October had tried to seize Kosanov’s passport. The Government alleged that Kosanov had access to state secrets when he served as press secretary to former Prime Minister Akezhan Kazhegeldin, the leader of the RNPk; that Kosanov had refused to sign a standard non-disclosure agreement and follow other simple procedures prescribed by the law; and that other former officials with knowledge of sensitive information had been allowed to travel after complying with the procedures. The Government is not known to have used the Law on State Secrets to block the foreign travel of any other former officials since the law’s passage in 1999.

The Government accords special treatment to ethnic Kazakhs and their families who fled during Stalin’s era and wish to return. Kazakhs in this category are entitled, in principle, to citizenship and many other privileges. Anyone else, including

ethnic Kazakhs who are not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the previous century, must apply for permission to return. However, it is the stated policy of the Government to encourage and assist all ethnic Kazakhs living outside the country to return, if they wish.

The Government usually cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 1999 the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government did not pass implementing legislation for the Refugee Convention by year's end. The absence of implementing legislation left unclear many aspects of the status of refugees, such as whether they have a right to work.

Following the passage of a 1997 migration law and the creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status in consultation with the UNHCR. The Government in most cases allowed UNHCR access to detained foreigners. Ethnic Kazakh migrants are automatically eligible for citizenship, although the Government has granted citizenship to only about 10 percent of the 191,000 Kazakh migrants. Migrants from other CIS countries are not considered to be refugees as they may travel and settle freely in any CIS country. The Government has not allowed refugees without passports to register and has restricted registration largely to refugees from Afghanistan. All non-CIS citizens are considered to be intending immigrants. However, in practice the Government is tolerant in its treatment of local refugee populations. Only the President can grant political asylum; he is known to have done so only once since independence in 1991.

The Agency for Migration integrates the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, into the process of reviewing refugee claims. However, the limited resources of the agency impeded the processing of many cases. Asylum claims were processed only in Almaty, which is as far as 2,000 miles from other major Kazakhstani cities. The Agency for Migration and the courts took a restrictive approach to many asylum claims, apparently out of a desire to limit the number of refugees. The Government's desire to control the size of the refugee population appeared to be motivated by the country's difficult economic situation and national security concerns stemming from the national origins of many asylum seekers. The UNHCR estimated that there were approximately 18,000 refugees in the country (at least 10,000 Chechens from Russia and about 5,000 persons from Tajikistan, 2,500 from Afghanistan, and 500 from other countries). There was a large influx of Chechens fleeing the conflict with the central authorities in Russia. Consistent with the Minsk Convention on Migration within the CIS, the Government did not formally recognize the Chechens as refugees. However, the Government, in cooperation with the UNHCR and Chechen organizations, did grant indefinite legal resident status to Chechens until they could return home to safe conditions. By September the Government registered 1,211 asylum seekers and accorded refugee status to about two-thirds of them. The Government continues to give priority to the return of ethnic Kazakhs in order to increase the percentage of Kazakhs in the overall population and to offset the large-scale emigration of ethnic Russians and Germans. Since independence approximately 190,000 ethnic Kazakhs, mostly from other CIS countries, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated. The Government struggled to find resources for integration programs for these immigrants, some of whom lived in squalid settings. The problem of integrating the Kazakh migrants was compounded by the inability of about 90 percent of them to obtain Kazakhstani citizenship, to which theoretically they are entitled by law. Without citizenship, the migrants do not have clear rights to own property, open businesses, or conduct other legal transactions.

Agreements between Kazakhstan and Russia that established broad legal rights for the citizens of one country living on the territory of the other and provided for expeditious naturalization for citizens of one country who moved to the other entered into force in 1999.

Kazakhstan and China agreed in December 1999 not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors were concerned about the impact of this agreement on Uyghurs from China present in Kazakhstan. The Government did not consider any asylum claims from Uyghurs; it was unclear whether any Uyghurs applied. In general the Government was tolerant toward the Chinese Uyghur population. There were no known cases of the Government returning Uyghurs to China since February 1999, when the Government returned three Uyghurs. The Chinese authorities had accused the three of murdering a policeman; Amnesty International reported evidence that at least one was wanted for "separatist" activities. Some reports indicate that the three

men were subsequently executed upon return to China, but this information has not been confirmed.

There were no reports that the Government forcibly repatriated refugees in the period covered by this report to any country where they feared persecution.

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

The Constitution provides for a democratic government; however, in practice the Government severely limited the right of citizens to change their government. The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. Modifying or amending the Constitution is nearly impossible without the consent of the president. President Nazarbayev was elected to a 7-year term in a 1999 election that fell far short of international standards. He extended his previous term of office via a deeply flawed 1995 referendum without a contested presidential election (which, according to the Constitution then in force, should have been held in 1996).

The President appoints and dismisses the Prime Minister and the Cabinet. His appointment of the Prime Minister, but not of cabinet members, is subject to parliamentary consent. He has the power to dismiss Parliament. If Parliament does not act within 30 days on bills the President designates as urgent, the President can issue the bills as decrees with the force of law. He appoints judges, senior court officials, and all regional governors. He directly appointed the chairman and members of the Central Elections Commission (CEC) who oversaw the most recent presidential and parliamentary elections in 1999. In accordance with the Constitution, the lower house of Parliament (Majilis) confirmed the CEC chairman and members nominated by the President in May.

President Nazarbayev won his current term in office in a 1999 election held nearly 2 years earlier than previously scheduled. The previous October, the President and the Parliament passed in 1 day, without any prior public notice, a series of 19 constitutional amendments that enabled them 1 day later to call the early presidential election. Among other changes, the constitutional amendments extended the presidential term of office from 5 to 7 years and removed the 65-year age limit on government service. (President Nazarbayev would be 65 year of age before the end of his current 7-year presidential term.) The Constitutional amendments also extended the terms of members of Parliament from 4 to 5 years for the lower house (Majilis) and from 4 to 6 years for the Senate. Government opponents and international observers criticized the short-notice call of early elections because it did not leave enough time for the government to implement promised electoral reforms and for intending candidates to organize effective campaigns.

The Government imposed onerous requirements on candidates seeking to qualify for the presidential ballot. Candidates were required to submit petitions with approximately 170,000 signatures collected in equal proportions from at least 11 of the country's 16 regions (the 14 oblasts plus the cities of Almaty and Astana). They also were required to pass a Kazakh-language test and to make a nonrefundable payment of 1,000 times the minimum monthly wage (approximately \$30,000), although an equal sum was then provided to each registered candidate for campaign expenses. Although three candidates, in addition to President Nazarbayev, qualified for the ballot, two of them, then-Senator Engels Gabassov and then-Customs Committee chairman Gani Kasymov, were known as supporters of the President and widely believed to be running at government behest.

In October 1998, less than 1 week after the early presidential election was called, the Government resorted to a provision of the presidential decree on elections, passed in May 1998, that prohibited persons convicted of administrative offenses from running for public office within a year of their conviction. A district court in Almaty summoned on less than 24 hours' notice 5 leading government opponents—former Prime Minister Akezhan Kazhegeldin, former Social Democratic party leader Dos Kushim, Pokoleniye Pensioners Movement leader Irina Savostina, Azamat movement co-chairman Petr Svoik, and Tabigat ecological movement leader Mels Yeleusizov—to face charges of participating in the October 1998 meeting of an unregistered organization called For Fair Elections. The court convicted all five. Despite the judgment against him, Kazhegeldin, the most widely known opposition figure, applied for registration as a candidate in the presidential election. The presidentially appointed CEC disqualified his candidacy under the provision of the presidential decree on elections that then served as the election law. The Supreme Court upheld the disqualification. The CEC also used the election law provision to disqualify the presidential candidacy of Amantai Asylbek, leader of the Attan anti-nuclear testing movement, because of a 3-day jail sentence that he received in February 1998 for participating in an unsanctioned demonstration.

The Government harassed President Nazarbayev's opponents throughout the presidential election campaign. According to credible reports, government agents repeatedly pressured managers of conference facilities to deny access at the last moment to government opponents who had arranged to use the facilities for meetings and press conferences. When opposition meetings and press conferences did take place, electricity at the facilities often was interrupted. Government attempts to disrupt opposition meetings appeared to have extended beyond national borders when the management of a Moscow hotel withdrew permission at the last moment for a December 1998 opposition congress. Communist Party leader Serykbolsyn Abdildin, the only candidate from the ranks of the preelection opposition who qualified for the presidential ballot, publicly complained that local officials loyal to the President impeded his attempts to hold campaign rallies and meetings. As recently as November, authorities used the State Secrets Law to confiscate the passport of RPNK official Amirzhan Kosanov as he tried to travel to the United Kingdom (see Section 2.d.).

Assaults on two of Kazhegeldin's advisers appeared to have been politically motivated and, government critics charged, sanctioned by the Government. In addition, Kazhegeldin claimed that two gunshots were fired at him on the eve of the press conference at which he announced his presidential candidacy. Unknown assailants beat one of his public relations advisers, Yelena Nikitenko (see Section 1.c.) and beat his press spokesman, Amirzhan Kosanov. Several days before the attack, officials of the al-Farabi National University in Almaty forced Nikitenko to resign from the faculty because of her political activities. Government officials alleged that the Kazhegeldin campaign staged or invented all three attacks. Following the announcement of Kazhegeldin's candidacy, the then first deputy chairman of the KNB held an unprecedented press conference at which he made admittedly unsubstantiated allegations of financial malfeasance against Kazhegeldin. The tax authorities brought an action against Kazhegeldin during the campaign and, according to credible reports, threatened actions against other government opponents. At a news conference, Kazhegeldin supporters showed videotape of police repeatedly pulling over Kazhegeldin's car for unspecified "inspections." Kazhegeldin also claimed that border control officials at the Almaty airport tried to prevent him and his family from taking a flight out of the country. An attack on a Kazakhstani employee of a foreign embassy also appeared to be motivated politically and, human rights observers believe, sanctioned by the Government. In December 1998, three men beat the employee outside his apartment as the employee returned home. The employee suffered a cracked rib, some internal injuries, and required stitches to close wounds near both eyes. The attackers stole the employee's briefcase but did not try to steal his wallet and other valuables. The absence of robbery as a motive and the fact that the employee's responsibilities included assisting diplomats in making contacts with political opposition and human rights figures suggested that the attack was motivated politically. Law enforcement authorities closed the investigations into all of these cases without arrests. A suspect was identified in the Nikitenko case but no charges were brought, allegedly because Nikitenko had left the country and was unavailable to identify her assailant.

The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE announced in December 1998 that it would not meet the Government's request to send a presidential election observation mission. In its public explanation, the ODIHR cited concerns about the exclusion of two opposition candidates, unequal access to the media, and coerced support for President Nazarbayev. The ODIHR sent a small election assessment team to report to the OSCE on the full election process. The assessment team concluded that the presidential election fell "far short" of Kazakhstan's commitments as an OSCE participating state. It cited in particular the exclusion of candidates, the short duration of the election campaign, obstacles to free assembly and association, the use of government resources to support President Nazarbayev's campaign, unequal access to the media, and the flawed presidential decree that served as the election law.

A newly elected bicameral legislature took office in December 1999. The lower house (Majilis), consisting of 77 members, was elected directly in October 1999. Under amendments to the Constitution passed in 1998, membership in the Majilis elected in 1999 included 10 new seats assigned proportionally to political parties based on the percentage of votes they received nationally (with a minimum vote threshold of 7 percent). As before the other 67 seats were attributed by single mandate districts. The upper house (the Senate) consists of 39 members 32 of whom are elected directly by members of oblast and city parliaments; the President appoints the remaining 7 senators. (The number of senate seats was reduced from 42 in accordance with the Government's 1997 decision to reduce the number of oblasts from 19 to 14. Each oblast elects two senators, as do the cities of Almaty and Astana.) Elections were held in September 1999 for 16 Senate seats. The May 1999 election

law requires candidates for both houses to meet minimum age and education requirements and to pay a nonrefundable registration fee of 25 times the minimum monthly wage (approximately \$50070,000 tenge). This fee represented a 75 percent decrease over previous registration fees, which opposition figures, human rights monitors, and the OSCE/ODIHR had considered a barrier to participation. The election law does not require Majilis candidates to collect a certain number of signatures in order to be placed on the ballot; however, Senate candidates must obtain signatures from 10 percent of the members of the local assemblies in their oblasts in order to be placed on the ballot. Political parties wishing to compete for the 10 proportionally allocated seats in the Majilis must be registered by the CEC and regional electoral commissions in two-thirds of the principal administrative jurisdictions (the 14 oblasts, plus the former and new capital cities, Almaty and Astana). The Constitution states that participation in elections is voluntary. One of the Constitutional amendments passed in October 1998 rescinded the requirement that at least 50 percent of eligible voters participate in order to make an election valid. Experts had cited the old requirement as one of the causes of fraud and vote inflation in past elections.

The legislature exercises little oversight over the executive branch, although it has the Constitutional authority to remove government ministers and vote no-confidence in the Government. The Constitution and other arrangements allow the executive branch to dominate the legislature. Although Parliament must approve the overall state budget, the Constitution precludes Parliament from increasing state spending or decreasing state revenues without executive branch approval. The executive branch used this authority to block legislation drafted by Members of Parliament. Nearly all laws passed by Parliament originate in the executive branch. The executive branch controls the budget for Parliament's operations; it has not provided funds for Members of Parliament to hire staff, a situation generally viewed as decreasing Parliament's effectiveness. Should Parliament fail to consider within 30 days a bill designated as "urgent" by the President, the President may issue the bill by decree. Although the President has never resorted to this authority, it gives him additional leverage with Parliament. While the President has broad powers to dissolve Parliament, Parliament can remove the President only for disability or high treason, and only with the consent of the Constitutional Council, which largely is controlled by the President (see Section 1.e.).

The introduction, for the 1999 parliamentary elections, of 10 new seats in the Majilis distributed by party-list vote enhanced the role of political parties, which, with the exception of the Communists, were previously very weak. The Communist Party and three pro-presidential parties—Otan (Fatherland), the Civic Party, and the Agrarian Party—divided the 10 new party-list seats in the 1999 parliamentary election. No candidate nominated by a non-Communist opposition party won a seat in the Parliament. One member of the opposition RNPk won a seat after running as an independent candidate. The RNPk withdrew its party-list slate after two of its candidates, Akezhan Kazhegeldin and Madel Ismailov, were declared ineligible. (They were the only two candidates rejected of more than 600 applicants for Majilis contests.) Of the more than 600 other candidates, about half who won ran as independents. Many of them were former government officials with strong presumed sympathy for the progovernment parties.

Many activities of Parliament remained outside public view. In June 1999, Parliament banned the press and other outsiders from observing the vote of confidence in the Government. Final totals in the parliamentary vote of confidence were made public, but not the votes of individual members. The Parliament invited nongovernmental representatives to observe at least four meetings. Many draft bills were held closely and published in the press only after passage and signature by the President. In 2000 the Parliament became more open by publishing important draft laws (for example, the tax code) and by meeting with NGO's on others (for example, the local self-government law).

Although an improvement in many ways over the most recent presidential election, parliamentary elections held in 1999 were marred by election law deficiencies, executive branch interference in the electoral process, and a lack of government openness about vote tabulations. There was convincing evidence of government manipulation of results in some cases. The OSCE mission sent to observe the elections concluded that the elections were "a tentative step" toward democracy but "fell short of (Kazakhstan's) OSCE commitments." The OSCE also expressed concern that parliamentary runoff races were conducted just 2 weeks after first-round voting, which left no time for the CEC and the courts to act on hundreds of complaints filed about the conduct of first-round voting and the campaign.

The May 1999 election law replaced a presidential decree that had served as the election law. It lowered candidate registration fees by 75 percent but failed to cor-

rect other deficiencies of the decree it replaced. The law maintained a system of territorial, district, and precinct electoral commissions subject to regional and local government authorities, who recommend commission members. It failed to incorporate suggestions for creating a more open vote tabulation process. It also maintained more than 40 administrative provisions that bar candidates convicted of administrative offenses from running for office for a year, although one offense was eliminated from the list of disqualifying offenses.

The CEC issued regulations to ameliorate some of these deficiencies in time for the parliamentary elections, but the effects were limited. For example the CEC filled vacant seats on electoral commissions by lottery among all registered political parties. However, the initiative affected only 25 percent of commissions and was limited to 1 seat per commission, each of which usually consists of 7 members. Regulations that clarified the rights of election observers significantly improved the ability of observers to monitor vote counts at the precinct level. However, observers could not, in the end, use the information they obtained to corroborate or challenge official results. The CEC ultimately released comprehensive precinct- and district-level vote tallies for only 1 of 67 single-mandate districts, despite repeated requests from the OSCE and other observers. With the exception of the one district for which comprehensive results were released, the CEC never issued the order of finish or final totals for Majilis candidates who neither won nor qualified for a run-off.

The Government, prior to the 1999 parliamentary elections, removed participation in the activities of an unregistered organization from the list of administrative offenses that potentially could disqualify candidates for public office. However, more than 40 other administrative offenses remained on the list. Among these offenses were participation in unsanctioned demonstrations or rallies, an offense that the Government has used to charge its opponents (see Section 2.b.). The Government presented rescission of the administrative offense as a measure to enable the five opposition leaders convicted of participating in the For Fair Elections meeting to run for Parliament. Two of the five successfully registered as candidates. However, the CEC declined to register Akezhan Kazhegeldin due to a December 1998 administrative conviction for contempt of court. The conviction arose from Kazhegeldin's failure to respond in person to the For Fair Elections charge. (Kazhegeldin argued at the time that he met the law's requirements by sending his attorney.) The chairperson of the CEC publicly encouraged Kazhegeldin to seek the overturn of his contempt of court conviction 1 week before the registration deadline for the parliamentary elections. A successful appeal by Kazhegeldin would have made him eligible, according to the CEC, to run in the parliamentary election. Kazhegeldin subsequently wrote to the Supreme Court requesting that it overturn his contempt conviction, but the court ruled that his letter did not constitute a proper legal appeal.

Within a day of the CEC exclusion of Kazhegeldin's candidacy, Russian authorities detained Kazhegeldin on a pre-existing warrant issued 2 months earlier by the Prosecutor General of Kazakhstan. The Government requested the extradition of Kazhegeldin, who was living in exile, in connection with allegations that he had laundered illicit funds received while serving as Prime Minister from 1994 to 1997. Following protests from international human rights groups, the Prosecutor General dropped his extradition request, and the Russian authorities released Kazhegeldin. In July Kazhegeldin was detained again in Italy on charges of corruption, pursuant to an Interpol warrant posted by Kazakhstan. Italian authorities released him shortly thereafter. The investigation of Kazhegeldin, while possibly grounded in facts, appeared motivated politically.

The CEC barred the 1999 parliamentary candidacy of Madel Ismailov because of his February 1998 criminal conviction for insulting the President (see Section 1.d.). Ismailov had sought to register as a candidate on the RNPk party list. The election law precludes candidates convicted of criminal offenses from running for office for 3 years following their convictions.

A flawed provision in the electoral law was used to disqualify from the 1999 parliamentary election another RNPk candidate, deputy party chairman Gaziz Aldamzharov, after he apparently received a majority of votes in an election in Atyrau. The CEC annulled the second round of the Atyrau election, as well as two other second-round elections, but gave no specific reason in its official decree. The electoral law precludes all candidates who participated in an invalidated election from running in a make-up election, regardless of who was responsible for the violations that led to invalidating the election. The CEC interpreted this provision to exclude from the 3 rerun elections all of the approximately 500 candidates who ran unsuccessfully for any Majilis seat in 1999. Although the CEC did not formally specify the reason for invalidating the Atyrau election, the CEC chairperson said in a television interview that district and precinct electoral officials in Atyrau refused to certify protocols after a series of disturbances that the chairperson attributed to

the "opposition." These disturbances included alleged bomb threats, alleged falsification of ballots, and the incursion into one polling station of four masked men who opened and overturned ballot boxes. Given widespread expectations that Aldamzharov would receive a majority of votes in Atyray, unsubstantiated CEC allegations that the "opposition" disrupted voting in Atyrau appeared contrived.

There were widespread, documented allegations that regional and local executive authorities (akims) interfered with the parliamentary elections during the campaign and in the voting process. In one case, the chief election commissioner for the Ili district (Almaty Oblast) resigned because, he alleged, the district akim ordered him to deliver a victory for the akim's favored candidate. The commissioner, like most election officials a government employee, offered to resign from his full-time government job in addition to his electoral responsibilities. A significant number of complaints filed in several regions indicated that akimats and, through them, other employers threatened supporters of opposition candidates with job loss. In one such case, the akimat of the capital city, Astana, allegedly threatened to fire more than 20 government employees for their support of a nonfavored candidate. There were also reports that tax inspectors and some KNB officials intimidated opposition candidates, their supporters, and the independent media. Akimats used government personnel and other resources, including office space, to support "favored" candidates and to distribute campaign literature for the pro-presidential Otan party. On first- and second-round voting days, international and domestic observers found akimat representatives "supervising" the work of putatively independent precinct electoral commissions in numerous locations throughout the country.

The failure of the CEC to release most precinct- and district- level vote tallies undermined the credibility of election results. Evidence of official vote tampering in many districts exacerbated this problem. The OSCE observation mission obtained copies of flagrantly falsified protocols (reports of official results). During the first round of voting OSCE observers found multiple vote protocols prepared in one Almaty polling station. OSCE and domestic observers reported that precinct officials frequently did not use official protocol forms to record results in the presence of observers or filled out the official forms in pencil. District election officials, especially in first-round elections, generally refused to allow observers to witness the tabulation of results from various polling stations. Observers' access to district vote tabulations improved in the second round of voting after the CEC issued new instructions for preparing protocols and instructed district officials to cooperate with observers. Nevertheless, the district election commission in Atyrau refused initially to allow OSCE observers into the district commission office. District officials ultimately allowed the observers into their office but subsequently recommended that they leave because the commission "could not assure the (observers') safety."

Government officials said that President Nazarbayev took disciplinary actions against some local officials for interfering with the parliamentary elections but this could not be confirmed; the Government did not release any details such as the names of the officials, their offenses, or punishment.

In February a team of OSCE representatives visited Astana to discuss the final OSCE report on the parliamentary elections. Government officials agreed during the visit to an OSCE proposal for a series of roundtable discussions of the electoral reforms recommended in the report. The agreement called for broad participation in the discussions, including by representatives of the Government, all registered political parties, other political movements, and NGO's. After some delays, the first of four planned sessions took place on September 2 in Astana. Participants agreed to a future work plan with the inclusion of the OSCE and all political parties registered in 1999 in a parallel government working group on electoral reform. The remaining sessions were scheduled for 2001; the leading opposition parties and movements took part, as did approximately 15 Members of Parliament from across the political spectrum. The CEC and representatives of the Ministries of Foreign Affairs, Justice, and Culture, Information, and Public Access also took part. Shortly after the September session, and with only a few days' notice, the CEC announced that it would organize new regional and local electoral commissions without waiting for the issue to be discussed in subsequent sessions. The CEC said it had to act because the terms of the previous commissions were expiring. Other roundtable participants criticized the CEC for failing to discuss its plans to reconstitute the commissions or to give political parties more notice that they would be invited to nominate candidates.

The Constitution and laws significantly constrain the independence of the judiciary (see Section 1.e.). A Constitutional Council replaced the Constitutional Court in August 1995 when the new Constitution was adopted. The President appoints three of its seven members, including the chairman. A two-thirds majority of the Council is required to overrule a presidential veto. All judges below the level of the Supreme

Court are appointed directly by the President. The President's nominees for the Supreme Court are subject to Senate confirmation.

According to the Constitution, the President selects Governors of oblasts (the "akims"), based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions. All adult citizens (at least 18 years of age) have the right to vote. Membership in political parties or trade unions is forbidden to members of the armed forces, employees of national security and law enforcement organizations, and judges.

Women are underrepresented in government and politics. There are no legal restrictions on the participation of women and minorities in politics, but the persistence of traditional attitudes means that few women hold high office or play active parts in political life. At the end of the year, no women held ministerial portfolios, although one had ministerial rank and several deputy ministers were women. There were no female provincial governors (akims). Of 39 Senate members, 5 are women; of 77 Majilis members, 8 are women.

Although minority ethnic groups are represented in the Government, ethnic Kazakhs hold the majority of leadership positions. Nearly half the population are non-Kazakhs according to the national census completed in 1999. Non-Kazakhs hold 1 of 3 positions as vice premier and head 2 of 14 government ministries and the national bank. Non-Kazakhs also are underrepresented in the Majilis and the Senate. In Parliament 8 of 39 senators are non-Kazakhs, and 19 of 77 members of the Majilis are non-Kazakhs.

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

The Kazakhstan International Bureau for Human Rights and Rule of Law (formerly the Kazakhstan-American Bureau on Human Rights) and the Almaty Helsinki Commission are the most active of a small number of local human rights organizations. They cooperate on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. Law enforcement investigators closed an investigation into a November 1999 fire that destroyed the main office and archives of the Bureau for Human Rights in Almaty. The Almaty fire department concluded that arson was the probable cause of the fire. It absolved the organization from potential civil liability for the fire. However, investigators identified no suspects and made no arrests. Some human rights observers complained that the Government monitored their movements and telephone calls.

The Civil Code requires NGO's to register with the Government, and most NGO's are registered; however, some continue to operate without legal standing. An increasing number of government officials made an effort to work with domestic and foreign NGO's, although others persisted in asserting that NGO's should stay out of sectors of government interest. A coalition of NGO's played an apparently unprecedented role in government consideration of draft local government laws. After successfully delaying passage of what was widely viewed as flawed legislation on this subject early in the year, the coalition successfully lobbied Parliament to publish the draft. That draft was withdrawn in December for revision. Some NGO's chose not to register because they objected to the requirement of registration in principle or because they did not have the money to pay the registration fee. Others believe that they were not eligible to register because they promoted the interests of one ethnic group or religion and are considered by some to violate the constitutional ban on inciting social, racial, national, religious, class, and tribal enmity. The new Criminal Code that took effect in 1998 criminalized the activity of NGO's that are not registered. In 1998 five leading opposition figures were convicted for participating in a meeting of an unregistered NGO, the For Fair Elections group (see Section 3).

The Government permitted international and foreign NGO's and multilateral institutions dealing with human rights to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization, the International Federation of Red Cross and Red Crescent Societies, the UNHCR, the International Organization on Migration, and the OSCE have permanent offices in the country. The Constitution forbids "the financing of political parties and trade unions by foreign legal entities and citizens, foreign states and international organizations."

The Presidential Commission on Human Rights is a consultative body. It prepares annual reports to the President that can be released to the public only with the President's consent. At the end of 1998, the Commission made public its annual report to the President for the first and only time by publishing an expurgated version of its report for 1997. The report focused almost exclusively on "economic and social rights," for example, the right to a decent standard of living. It concluded that the

country consistently abides by human rights principles and suggested that those who blame the Government for social problems should realize that individual well-being ultimately is the responsibility of the individual. The Commission reached out to independent human rights organizations but made little progress in establishing itself as an Ombudsman. In general the Government showed greater willingness to focus on abuses highlighted by human rights monitors and individual citizens in the criminal justice system and to investigate allegations of corruption but tended to deny or downplay charges of abuses of civil liberties and political rights. In general the Government tended to deny or ignore charges of specific human rights abuses that were levied by human rights monitors and individual citizens. In its report to the President for 1997, the Commission charged that many domestic NGO's are oriented towards developed countries' standards and do not realize that progress towards a market economy and civil society is a slow, gradual process. It said that NGO's sympathetic to "left-wing radicals" have nothing constructive to offer.

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

The Constitution states that "everyone is equal before law and court. No one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, attitude to religion, convictions, place of residence, or any other circumstances." However, the Government does not enforce this provision effectively on a consistent basis. The Government has favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

Women.—According to human rights groups, there is considerable domestic violence against women. A local NGO, the Feminist League, estimates that hundreds of thousands of women are the victims of spousal abuse. The Interior Ministry reported that family members or domestic partners were responsible for about one-third of the nearly 8,500 crimes against women registered in the first half of 1999. During the same period, 81 women were killed by family members. The Feminist League reported that the levels of domestic violence remained approximately the same in 2000. Karaganda oblast reported 3,060 crimes against women in the first 6 months of 2000, including 33 murders and 53 rapes. Almaty police reported 49 murders, 134, rapes and 936 assaults against women during the first nine months of the year. There was no information on the percentage of these crimes successfully prosecuted, but police often are reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believe that the abuse is life threatening. However, new domestic violence units opened during the year within the Almaty and Astana police departments. A women's crisis center in Almaty maintains that the Almaty police are very effective when there is a complaint. However, the police cannot detain a person legally for more than 72 hours if the victim refuses to provide a written complaint. In most cases, women refuse to follow through with charges. The maximum sentence for wife beating is 3 years, but few such cases are prosecuted. A government commission on women and family continued to draw attention to the issue of domestic violence. Law enforcement authorities reported that 288 persons were convicted of rape in the first 8 months of 1999, although the total number of reported rapes was unavailable. Under the Criminal Procedure Code, prosecutors can initiate a rape case, absent aggravating circumstances such as gang rape, only upon the application of the victim. There were unconfirmed reports that prosecutors sometimes interpreted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and personally prosecute rape cases themselves. The punishment for rape can range from 3 to 15 years' imprisonment. There is very little reporting on rape in the press. There is no law specifically against spousal rape, which is proscribed under general rape laws.

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

There is no legal discrimination against women, but traditional cultural practices limit their role in everyday society and in owning and managing businesses or real property. The President and other members of the Government speak in favor of women's rights, and official state policy (adopted in 1997) states that constitutional prohibitions on sex discrimination must be supported by effective government measures. Women are underrepresented severely in higher positions in state enterprises and overrepresented in low-paying and some menial jobs. Women have unrestricted access to higher education. Approximately 30 women's rights organizations are registered, including the Feminist League, Women of the East, the Almaty Women's Information Center, and the Businesswomen's Association. In September the Government announced the creation of a \$4.5 million (661 million tenge) fund to provide

loans to female entrepreneurs. However, as of year's end, the fund had not distributed any loans.

Children.—The Government is committed in principle to children's rights, but as in many other areas, budget stringencies and other priorities severely limit its effectiveness in dealing with children's issues. Education is mandatory through the 11th grade, although students may begin technical training after the 9th grade. Secondary education is both free and universal. Kazakhstani law provides for equal access to education by both boys and girls. There is no societal pattern of abuse against children. Rural children normally work during harvests (see Section 6.d.).

People with Disabilities.—Citizens with disabilities are entitled by law to assistance from the State. There is no legal discrimination against the disabled, but in practice, employers do not give them equal consideration. There are laws mandating the provision of accessibility to public buildings and commercial establishments for the disabled, but the Government does not enforce these laws. However, improvements to facilitate access are not uncommon in Almaty and Astana. Assisting disabled persons is a low priority for the Government. Mentally ill and mentally retarded citizens can be committed to institutions run by the State. These institutions are poorly run and inadequately funded. The NGO, Kazakhstan International Bureau for Human Rights, observed that the Government provides almost no care for the mentally ill and mentally retarded due to a lack of funds.

National/Racial/Ethnic Minorities.—According to results of the 1999 census, the population of about 15 million consists of approximately 50 percent Kazakhs and 33 percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others) with many other ethnic groups represented, including Uzbeks (2.5 percent), and Germans (2.4 percent).

The Government continued to discriminate in favor of ethnic Kazakhs in government employment, where ethnic Kazakhs predominate, as well as in education, housing, and other areas. However, the Government has largely abandoned the explicit "Kazakhification" campaign of the 1st year of independence (1991-1992). President Nazarbayev has emphasized publicly that all nationalities are welcome. Nonetheless, many non-Kazakhs are anxious about what they perceive as expanding preferences for ethnic Kazakhs. Many ethnic Kazakhs believe that such preferences are needed to reverse 200 years of discrimination against their community.

Most of the population speaks Russian; only about one-half of ethnic Kazakhs speak Kazakh fluently. According to the Constitution, the Kazakh language is the state language. The Constitution states that the Russian language is used officially on a basis equal with that of the Kazakh language in organizations and bodies of local self-administration. Some ethnic Russians believe that Russian should be designated as a second state language. The Government is encouraging more education of children in the Kazakh language, but it has done little to provide Kazakh-language education for adults. A 1997 language law intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages has not been funded sufficiently to make Kazakh-language education universal.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide for basic worker rights, including the right to organize and the right to strike; however, the Government at times infringed on worker rights. Activist unions came under government pressure for holding unsanctioned demonstrations and marches.

A new Labor Code took effect on January 1. Among many other revisions, the new law provides for individual contracts between an employer and each employee, but allows "optional" collective labor contracts. It also allows unions to represent an employee in labor disputes, but an employee may choose other representation.

Most workers remained members of state-sponsored trade unions established during the Soviet period, when membership was obligatory. At most enterprises, the state-sponsored unions continued to deduct 1 percent of each worker's wage as dues. The state unions under the Communist system were, and for the most part still are, organs of the Government and work with management to enforce labor discipline and to discourage workers from forming or joining independent unions.

A collective bargaining law gives workers the right to join or form unions of their choosing and to stop the automatic dues deductions for the state unions. The Confederation of Free Trade Unions (CFTUK, formerly the Independent Trade Union center of Kazakhstan) claims membership of about 250,000 persons; however, the actual number of independent trade union members is estimated to be much lower. The pro-Government Federation of Trade Unions claims 4 million members; however, that figure is regarded as too high. To obtain legal status, an independent union must apply for registration with the local judicial authority at the oblast level and with the Ministry of Justice. Registration is generally lengthy, difficult, and ex-

pensive. The process of registering a union appears to be completely subjective, with no published criteria. No unions were registered or denied registration during the year. The two major independent trade union confederations are registered. Courts may cancel a union's registration, as a provincial court did in Kentau in 1998.

The law does not provide mechanisms to protect workers who join independent unions from threats or harassment by enterprise management or state-run unions. Members of independent unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. According to independent union leaders, state unions work closely with management to ensure that independent trade union members are the first fired in times of economic downturn.

Unions and individual workers exercised their right to strike during the year, primarily to protest the nonpayment of wages and in an attempt to recover back wages owed to workers. The nonpayment of wages continued to be the priority issue for workers. Early in the year, workers of the Uralsk "Mettalist" factory, led by the independent trade union of the factory, conducted mass meetings demanding the full payment of salaries. The company subsequently prohibited one of the union's leaders, Vlaimir Podzhidaev, a member of the local city council, from entering the factory's territory. In addition police detained the union's chairman, Ainur Kurmanov, on March 31. Kurmanov alleged that police drugged and beat him, and detained him without charges for 7 days. He claimed that a local television station subsequently slandered him by showing footage of his "drunk" behavior in police custody.

According to the law, workers may exercise the right to strike only if a labor dispute has not been resolved by means of existing conciliation procedures. In addition the law requires that employers be notified that a strike is to occur no less than 15 days before its commencement. There were numerous strikes throughout the country to protest the nonpayment of wages and unsafe working conditions. Construction workers in Astana held a series of strikes complaining of the degradation of their working conditions under foreign contractors. According to the CFTUK, the Turkish construction company "Okan Holding Isot," under various pretexts, fired 125 of its employees in Astana shortly after the employees formed an independent labor union in November 1999. Workers at the company began a strike on March 29 to demand recognition of the union, collective bargaining, and the timely payment of wages. Police detained 8 out of 19 participants for 5 hours the same day. The workers were tried the following day and the leader, J. T. Sharipov, was sentenced to one day in jail for organizing an unsanctioned demonstration. The other seven were warned and then released.

Independent unions complain about a provision in the Constitution that forbids the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. After independence in 1991, independent trade unions received financial assistance from the AFL-CIO's Free Trade Union Institute (FTUI). Most of this assistance ended in 1996 when funding was reduced, and FTUI currently provides no funding. Independent trade unions have sought new means of support; some associations of trade unions were able to receive financing from foreign sources by registering as "public organizations" rather than labor unions. The law does not forbid other nonmonetary types of assistance such as training, participation in which appeared to increase.

By law unions freely may join federations or confederations and affiliate with international bodies. Most independent trade unions belong to the CFTUK, headquartered in Astana. The Independent Miners Federation of Kazakhstan and the State Miners' Union of Karaganda are members of the Miners' International Federation. Unions belonging to the CFTUK are not members of international federations but are able to maintain contacts with foreign trade union federations.

b. The Right to Organize and Bargain Collectively.—The law permits collective bargaining and collective agreements. If a union's demands are not acceptable to management, it may present those demands to an arbitration commission composed of management, union officials, and independent technical experts. Unions routinely appealed to arbitration commissions.

The new Labor Law that took effect January 1 reduced the role of unions by requiring employers and employees to negotiate individual labor contracts. Collective bargaining agreements are allowed as long as they do not reduce protections afforded to the workers in their individual contracts or under law. Previously the terms of contracts were set only by law and collective bargaining agreements. The new law also gave employers the right to fire an employee without the consent of the employee's union.

There is no legal protection against antiunion discrimination.

There are no export processing zones. Free economic zones enjoy all the privileges of export processing zones as well as other tax privileges and abatements, but labor

conditions there appear to be no different from elsewhere in the country. On August 1, the President signed a decree abolishing the last free economic zone to become effective on January 1, 2001.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor except “at the sentence of the court or in the conditions of a state of emergency or martial law,” and it is generally not known to occur; however, in 1999 there were reports that some persons were required to provide labor or the use of privately owned equipment with no, or very low, compensation to help gather the annual grain harvest.

The Constitution does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 14 years, but only for parttime work (5 hours a day) that is not physically onerous. A child between the ages of 14 and 16 may work only with the permission of his or her parents. Education is compulsory to age 16, and the law stipulates harsh punishment for employers who exploit children under this age. Responsibility for enforcement rests with the Ministry of Labor, for administrative offenses punishable by fines, and the MVD for criminal offenses. The Criminal Code allows for fines up to \$25,000 (3,675,000 tenge) and 2 years in prison in cases where a minor is injured or placed in unhealthy conditions. Children from the ages of 16 to 18 can work full time provided that they are not required to do any heavy work. The Government has acknowledged that children in this age group work in construction and other heavy industries but report that duties for children are limited to washing windows, general cleaning, laying tile, and similar nonstrenuous activities. Although the Constitution does not specifically prohibit forced and bonded labor by children, the sale, trafficking, and abduction of children or hiring minors for exploitation are punishable with up to 12 years in prison. There were no reports of forced or bonded child labor (see Section 6.c.), and abuse of child labor is generally not a problem; however, child labor is used routinely in agricultural areas, especially during harvest season.

e. Acceptable Conditions of Work.—In 1997 the Government resumed setting a minimum wage. The minimum monthly wage remained at its 1999 level of approximately \$20 (2,680 tenge). The Government raised the minimum monthly pension to approximately \$25 per month (3,500 tenge) and cleared pension arrears. These amounts do not provide a decent standard of living for a worker and family and fell far short of the minimum subsistence amount for one person as calculated in 1998 by the Kazakhstan Institute of Nutrition.

The legal maximum workweek is 48 hours, although most enterprises maintained a 40-hour workweek, with at least a 24-hour rest period. The Constitution provides that labor agreements stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

Although the Constitution provides for the right to “safe and hygienic working conditions,” working and safety conditions in the industrial sector are substandard. Safety consciousness is low. Workers in factories usually do not wear protective clothing, such as goggles and hard hats, and work in conditions of poor visibility and ventilation. Management largely ignores regulations concerning occupational health and safety, which are not enforced by the Ministry of Labor and the state-sponsored unions. Workers, including miners, have no legal right to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although government officials generally maintained that prosecutors could effectively charge traffickers under the existing Criminal Code. Article 270, Illegal Involvement in Prostitution, provides punishment of up to 3 years in jail. Prostitution connected with organized crime is punishable by up to 5 years in jail. According to Article 135, kidnaping of persons is punishable by a term of up to 7 years. An organized group working for sexual or other exploitation can be punished with up to 15 years in jail and confiscation of property.

There are no official statistics on trafficking, but women’s rights groups and the IOM report additional indications that the problem is serious and growing. However, experts estimate that from 5,000 to 70,000 women have been victimized in the past 10 years. The higher figure was the result of a survey of Almaty women completed in April, the Crisis Center for Women and Children. In 1999, 25 women were repatriated from Greece, 21 from the United Arab Emirates, 16 from Turkey and 3 from Israel, according to the MVD. In December the press reported that 2,000 women were sent to South Korea for prostitution; 2 had been repatriated. All of the trafficking cases known to the IOM involve women between the ages of 18 and 25 who had been trafficked for purposes of sexual exploitation. According to the Kazakhstan Crisis Center for Women and Children, most women are recruited with

promises of good jobs or marriage abroad. The organization blames the rising number of women being trafficked from the country on the lack of employment opportunities and lack of information about trafficking. The KNB reported in June that it broke up a trafficking ring that specialized in sending women to the United Arab Emirates for prostitution. Criminal charges were brought against five alleged members of the ring. The five were arrested while trying to board a woman and a 15-year-old girl on a flight to Dubai. The official press reported that customs officers and border officials were under investigation for complicity with the ring.

The Government has no programs to target trafficking in women. However senior government officials presented reports on the problem, including the lack of appropriate legislation, during a November conference on trafficking in persons. The participants adopted a resolution which called for revision of legislation to make trafficking illegal; a distinction between victims of trafficking and illegal migrants, and a joint governmental, NGO and international organization approach to the problem.

Nongovernmental efforts to combat trafficking in persons increased. The Kazakhstan Crisis Center for Women and Children published a brochure warning of the danger of trafficking in women and conducted a survey to measure the level of awareness of the trafficking problem. In response to international organizations' efforts to raise awareness of the problem, local feminist leagues have also begun to get involved. The Feminist League of Kokshetau discovered that 50 local women had been sent to Greece for prostitution. Four regional workshops on trafficking in Aktau, Petropavlosk, Kokshetau, and Shmkent were held during the year.

KYRGYZSTAN

Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev dominates the Government. Both presidential and parliamentary elections were held during the year, and both were marred by serious irregularities. In October President Akayev was elected to his third term. Although the Constitution only allows an individual to serve two presidential terms, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the old Soviet-era Constitution. The Government disqualified otherwise qualified candidates through conviction on questionable criminal charges. Observers reported instances of ballot box stuffing, voter intimidation, discrepancies in vote counts, and the presence of a large number of local and regional administration officials in and around the polling stations. Parliamentary elections were held in February and March, the second such elections since independence in 1991. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists; however, political parties remain weak, and the Government took numerous actions that disadvantaged opposition political parties. The Government used judicial proceedings in numerous instances to prevent prominent political opposition candidates from participating in or winning office in the parliamentary and presidential elections. The Parliament has become increasingly active and on occasion has blocked presidential initiatives; however, in many areas it still does not check the power of the President effectively. The judiciary also is dominated by the executive branch. Beginning in August, there were continuous military engagements in the southwest of the country, near the border with Tajikistan, between government forces and armed insurgents.

Law enforcement responsibilities are divided among the Ministry of Internal Affairs (MVD) for general crime, the Ministry of National Security (MNB) for state-level crime, and the procurator's office for both types of crime. Both the MVD and the MNB deal with corruption and organized crime. These ministries inherited their infrastructure from their Soviet predecessors. Both appear to be under the general control of the Government and generally conform their actions to the law.

Border guards are under the full control of the Government. Some members of the police committed human rights abuses.

The country is poor and mountainous, with a rough balance between agricultural and industrial production. Cotton, tobacco, vegetables, and sugar are the primary agricultural exports. The country also exports hydroelectric power, gold, antimony, and mercury. The Government has carried out progressive market reforms, although some reforms have not been implemented fully. The economy was stable during the year. According to government figures, gross domestic product growth (GDP) growth was 5 percent. Inflation was estimated at 9.6 percent. The country faces an external debt of roughly \$1.69 billion. Industrial production remains significantly below preindependence levels. The level of hardship for pensioners, unemployed workers, and government workers with low salaries or unpaid benefits continues to be high.

Government figures indicate the average annual salary is \$165 (8,072 soms), while the subsistence level is estimated at \$295 (14,463 soms). Foreign assistance plays a significant role in the country's budget.

The Government's human rights record worsened and was poor in several key areas. The Government limits citizens' ability to change their Government. Prison conditions are very poor, and there were many cases of arbitrary arrest and detention. Executive domination of the judiciary limited citizens' rights to due process. Executive branch interference affected verdicts involving prominent opposition figures. The Government restricted freedom of speech and of the press. Authorities pressured journalists who criticized individual members of the Government. The Government used bureaucratic means to harass and pressure the independent media, nongovernmental organizations (NGO's), and the opposition. The Government at times restricted freedom of assembly; in particular, there were serious problems with political parties' rights to free assembly. The Government at times inhibited freedom of association. The Government generally respected freedom of religion; however at times it infringed on this right. The Government harassed and pressured human rights groups. Violence against women is a problem that authorities often ignore, and societal discrimination against women persists. Trafficking in women and girls for the purpose of forced prostitution also is a persistent problem. Child abuse is a problem, and there is a growing number of street children. Discrimination against ethnic minorities and child labor are problems.

Armed insurgents in the country's southwest areas along the Tajik-Kyrgyz/Kyrgyz-Uzbek border took citizens and foreign nationals hostage in August.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

There were no further developments in the January 1998 beating death by police of Muratbek Sulaimanov.

The criminal investigation of the 1998 police beating and killing by burial alive of Sergei Skromnov continues. Two police officers suspected of the killing are in detention. A third police officer was released on bail.

Nigmat Bazakov, a leading representative of the ethnic minority Uighur community was murdered on March 28. The identity of the perpetrator is unknown. Figures in the Uighur community indicated that the killing likely was a criminal, business-related act, and not linked to government discrimination against Uighurs. Bazakov had run for a seat in the legislative assembly in the second parliamentary election but lost in Bishkek's eighth district.

In early August, fighters of the Islamic Movement of Uzbekistan (IMU), an organization opposed to the present Uzbek Government, crossed the Tajik-Kyrgyz border and engaged Kyrgyz security forces. As of October 9 when fighting ended, a total of 30 government troops were killed. It was estimated that 120 IMU partisans died and 200 were injured. No new attacks had occurred by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances due to action by the Government or domestic groups.

In August armed insurgents entered the Southern Batken Oblast from Tajikistan and took a number of citizens and foreign nationals hostage. There were military engagements between the Government and the insurgents, who identified themselves as members of the IMU. Some of the hostages escaped uninjured after 6 days of captivity. The other hostages were released unharmed several days later.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, the supervision of conditions for pretrial detainees is poor, and abuses, such as beatings to extract confessions, sometimes occur. Police patrols are supervised poorly, are not always paid promptly, and sometimes commit crimes. Police sometimes used ill-defined charges to arrest persons (see Sections 1.d. and 2.d.).

On March 22, police in Kara Bura, Talas Oblast, reportedly used excessive force to break up a peaceful demonstration. Between 70 and 120 demonstrators were arrested. Approximately half were released the following day, and the remainder were eventually released. The participants were protesting irregularities in the February 20 and March 12 rounds of parliamentary elections (see Section 2.b.).

Several police officials were charged with issuing passports specifically for use in the trafficking of persons (see Section 6.f.).

In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract confessions, or even levying capital punishment.

However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year (see Section 1.e.).

Prison conditions (including overcrowding, food shortages, and lack of heat and other necessities) are very poor. Those detained by the MNB rather than the MVD are kept in MNB facilities; after conviction, they go to a regular prison. In June 1999 a new Criminal Procedure Code went into effect, replacing the previous 1994 Soviet-era Criminal Code. The new code contains the right for attorney-client visits of unlimited number and duration; however official permission still is required. The code also greatly expands the rights of defense lawyers to obtain all evidence gathered during the course of the investigation. Prison visits by family members are at the discretion of the investigator during the investigation phase. After conviction, family members may visit regularly.

In principle nonfamily visitors seldom are permitted. However, some citizens, including local human rights monitors, usually can obtain official permission for a visit through personal connections. The International Commission of the Red Cross (ICRC) visited Feliks Kulov, an opposition political leader, in March when he was in jail; however, it does not have full access to prisons (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The judicial system continues to operate, in many cases, under Soviet laws and procedures, and authorities generally respect these provisions in practice; however, there were many cases of arbitrary arrest and detention related to the Parliamentary and presidential elections. The Procurator's Office determines who may be detained, arrested, and prosecuted. The MNB, the MVD, and the General Procurator carry out investigations. Since 1990 persons arrested or charged with crimes have had the right to a defense counsel, who is required to visit the accused within the first 3 days of incarceration. However, sometimes the accused first sees the defense counsel only at the trial.

The Criminal Code permits the Procurator to detain suspects for 72 hours before releasing them or charging them with a crime. The Procurator must issue an arrest warrant before a person can be detained. If a suspect is charged, the Procurator must advise defense counsel immediately. The accused usually remains in detention while the Procurator investigates and prepares the case for trial. The Procurator has discretion to keep the accused in pretrial detention for up to 1 year, but there are conditions for provisional release before trial. After 1 year, the Procurator must release the accused or ask Parliament to extend the period of detention. Since independence there have been no known instances in which Parliament has been asked to extend a detention. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention. This requirement often is not observed in practice.

The Government used judicial proceedings in numerous instances to prevent prominent political opposition candidates from participating in or winning office in the parliamentary and presidential elections. For example, on January 25, the Government began criminal proceedings against People's Party opposition leader and registered parliamentary candidate Daniyar Usenov based on 4-year-old assault charges that had been withdrawn long before by the person allegedly assaulted (see Sections 1.e. and 3).

The Government arrested opposition party Ar-Namys activist Emil Aliyev on March 9, 3 days before the second round of the parliamentary elections. The charges related to alleged fraud in a 1994 loan transaction. Aliyev was released from custody on August 14 for reasons of poor health. Also on March 9, the Government declared the Issyk-Kul election invalid. The Government subsequently charged Omurbek Suvanaliev, a leader of the Ar-Namys party and candidate in that election, with fraud, which made him ineligible to run in the repeat election.

On March 22, the Government arrested opposition political leader Feliks Kulov at a hospital where he was receiving treatment for cardiac problems. The arrest followed his defeat in a parliamentary election and the announcement of his intention to run in the presidential election. He was arrested on suspicion of participating in illegal activities by members of the Kalkhan antiterrorist squad, while he headed the Security Ministry in 1997-1998. Kulov also was suspected of misappropriating some \$22,000 that the Security Ministry received from commercial firms. After his arrest, demonstrations were held demanding his release. On April 5, the Government terminated People's Party leader Daniyar Usenov's conditional release and took him into custody, despite no violation of the terms of his conditional release. He was released later that same day by intervention of President Akayev.

The MNB continues to monitor the Uighur community (a Turkic people native to western China) closely. In the past, it arrested Uighurs on ill-defined charges. In March the MNB arrested a resident ethnic Uighur from China for lacking a residence permit and for possession of Islamic literature that was deemed fundamen-

talist by the authorities. He reportedly was deported forcibly to China (see Section 2.c.).

In Jalalabad Oblast, throughout the year, the MNB detained more than 20 persons for membership in the Khieb-Ut-Takhrir Islamic organization and distribution of its literature. The Government has prosecuted criminally 11 of those detained for alleged possession of material containing appeals of an extreme character.

The Government does not employ forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, despite extensive reforms in the court system and a large body of new law, the executive branch continues to dominate the judiciary.

Cases originate in local courts; they may move to appeals courts at the district or regional level and finally to the Supreme Court. Separate courts of arbitration handle civil disputes, and traditional elders' courts handle low-level crime in rural areas.

Defendants are afforded the same constitutional protections in both military and civilian courts, although military court proceedings can be closed to the public. A civilian can be tried in a military court if one of the codefendants is a member of the military.

Local elders' courts are found in almost every oblast and region. They exercise their authority by trying petty crimes, such as robbery, hooliganism, or theft. In the past, local elders' courts have exceeded their authority by trying major crimes, using torture to extract confessions or even levying capital punishment. However, abuses such as stoning and death sentences have abated, and there were no reports of such action during the year. Local elders' courts are under the supervision of the Procurator's Office, but they may not receive close oversight due to the fact that many such courts are located in remote regions, which makes monitoring difficult.

The Procurator brings cases to court and tries them before a judge and two "people's assessors" (pensioners or citizens chosen from labor collectives). The accused and the defense counsel have access to all evidence gathered by the Procurator. They attend all proceedings, which are generally public, and are allowed to question witnesses and present evidence. In practice, all members of the court have equal rights. Anyone in the courtroom may question witnesses. Witnesses do not always recapitulate their evidence in court; instead they affirm or deny their statements in the Procurator's files.

The court compares the facts as presented by the Procurator and the defense, and in most cases makes its decision after receiving all available information in each case. The court may render one of three decisions: innocent; guilty; or indeterminate, that is, the case is returned to the Procurator for further investigation. The decision of a court to return a case to the Procurator for further investigation may not be appealed, and accused persons are returned to the Procurator's custody, where they may remain under detention. In practice there was considerable evidence of executive branch interference in verdicts involving prominent political opposition figures.

The Procurator, not the judge, is in charge of criminal proceedings. Thus the courts are widely perceived as a rubber stamp for the Procurator and for high-ranking Government officials and not as the protectors of citizens' rights. In addition very low judges' salaries have led to a well-grounded view among lawyers and citizens that all but a very few scrupulously honest judges are open to bribes or pressure.

The Government introduced in 1999 several judicial reform measures, including a proposal to establish an independent judicial budget, creation of judicial judgment enforcement procedures, and independent judicial training; however, but no progress was made during the year in implementing these measures. Generally accepted international practices, including the presumption of the innocence of the accused, exist in law but are not always respected.

Judges do not hold positions for life. As provided in the Constitution, terms for judges range from 15 years for Constitutional Court judges to 3 years for first-term local judges. In 1993 a new system of court administration was introduced; judges are tested on their knowledge of the law and new civil codes. If judges fail these tests, they may be disqualified from holding office. The process appears to have increased judicial professionalism, and a number of judges have been removed due to poor performance on the exams. Some removals appear to have been subjective, but most lawyers and judges consider the system to be a fair measure of competence.

The appointment of ethnic Kyrgyz to key positions in the judicial system has led to charges by non-Kyrgyz that the system is arbitrary and unfair and that the courts treat Kyrgyz more leniently than members of other groups; however in December an ethnic Korean was appointed head of the Supreme Court. Although systematic discrimination is not clearly evident, allegations that it exists are credible

in some cases. There are also complaints by Uzbeks, and even by ethnic Kyrgyz, that the southern portion of the country is underrepresented in the judiciary.

Economic crimes such as tax evasion, embezzlement, and theft of government property, including electric power, are common. Prosecution for these crimes is relatively rare and sometimes appears to be directed at opponents of the Government. Legislators in the past have used their parliamentary immunity to avoid being brought to court. However, an October 1998 referendum included an amendment that limited immunity to official acts only.

Trials took place in March and September for two of the three Members of Parliament (M.P.'s) who were arrested in 1999 for misappropriation of state property, abuse of power, and tax evasion. One M.P. was found guilty and sentenced to time served during the course of the investigation. The other was sentenced to 14 years' imprisonment and confiscation of his property. The case of the third MP remains under investigation.

The Government frequently used the judicial process to eliminate key political opposition leaders from participation in elections and narrow the range of choice for voters. A number of judicial actions against individuals apparently were motivated politically.

On June 27, the Government began the trial of opposition Ar-Namys Party leader Feliks Kulov in a closed military court on charges of instigation of and accessory to fraud and abuse of power for personal interests. He was held in custody from March 22 through August 7. Legal provisions allow the judge discretion to release Kulov pending trial; however, he was not released. The military court acquitted Kulov of all charges on August 7, but the military Procurator appealed the acquittal. On September 11, the Appeals Court ruled in the Procurator's favor and returned the case to the lower court for possible retrial. The Supreme Court denied Kulov's appeal of the Appellate Court's decision. The Government began a new trial on the same charges on October 3. The Government denied Kulov the right to representation by two Russian lawyers on the grounds that his case involved sensitive information and therefore foreign attorneys could not participate.

There were no reports of political prisoners; however, the Government detained Feliks Kulov, Emil Aliyev, and Daniyar Usenov on grounds that appeared to be politically motivated (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, and telephonic and telegraphic communications are protected. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts. A change in the law in 1995 weakened these protections by allowing the Procurator to give approval for searches over the telephone; thus no written proof exists to verify that the search was approved. Furthermore, in certain cases, law enforcement officers first may carry out a search and then get approval ex post facto within 24 hours. If approval is not given, any evidence seized is inadmissible in court.

Organizational structures responsible for violations during the Soviet era have remained largely in place; however, there were no reports of violations of citizens' privacy. There were concerns by citizens active in politics or human rights problems that the privacy of their communications was violated, but evidence to that effect is not available.

The MNB continues to monitor the Uighur community (see Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government restricted these rights.

The 1992 law on the mass media provides for freedom of speech and of the mass media and outlines registration procedures. It identifies prohibited material: Government and commercial secrets; material advocating war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics and symbols such as the national seal, flag, or anthem; pornography; and encroachment on the honor and dignity of a person. Two laws related to the media, On Guarantees and Free Access to Information and On The Protection of the Professional Activities of Journalists, were adopted in December 1997.

The Government closed three newspapers during the year by refusing to publish them. Kapitalism and Litsa stopped publishing in October, and Res Publica was closed for 4 months. One journalist was arrested as a direct result of journalistic activities.

All media must register with the Ministry of Justice and wait for ministry approval before beginning to operate. The media law states that the registration proc-

ess requires 1 month. During the year, there were no reports of media organizations that could not register in a timely manner.

Libel is a criminal, not a civil, action. The Government attempted at the end of 1997 and the beginning of 1998 to amend the Criminal Code to remove libel; however, its efforts were defeated in Parliament by an overwhelming majority. As a result of the October 1998 referendum, the Constitution now includes language that precludes Parliament from passing laws that infringe on free speech. However, to date there has been no implementing legislation for this amendment.

There are approximately 40 to 50 independent newspapers and magazines, including some with local, not national, standing. There are also several hours daily of independent television and radio broadcasting. However, state television, radio, and government newspapers receive government subsidies, which permit the Government to influence media coverage. Additionally, the State's printing house, Uchkun, is the only newspaper publisher in the country.

Uchkun refused to print the independent newspaper Res Publica for 4 months during the year. This action was taken pending Res Publica's full payment of a fine awarded to the president of the state television and radio corporation in an earlier honor and dignity suit. Uchkun also refused to deliver Res Publica to the regions via its distribution system after it resumed publishing the newspaper. Res Publica also experienced distribution problems with the state postal system prior to the presidential elections, and the newspapers were confiscated from kiosks by authorities in Osh and Jalalabad.

The opposition Kyrgyz-language newspaper Asaba again was subjected to pressure and intimidation shortly after the newspaper's owner declared his candidacy to run in the Presidential election. Two honor and dignity suits were lodged against the newspaper, a longstanding tax dispute continued, and a long-dormant debt case was reactivated against the newspaper. A Bishkek district court ruled on October 20 that Asaba must pay \$105,000 (5 million soms) in compensation to parliamentary deputy Turdakun Usubaliyev for having insulted him repeatedly over a period of 8 years. Seven Asaba journalists also were ordered to pay \$20 to \$30 (1,500 soms) each for articles critical of Usubaliyev. The newspaper had lodged a counter suit against Usubaliyev accusing him of insulting the newspaper and its journalists. The judge ruled in favor of the counter suit, Usubaliyev must pay the newspaper \$1,000 (50,000 soms).

After a year of government harassment, tax investigations, and change of its editorial leadership and direction, the independent daily newspaper Vecherny Bishkek muted its criticism of the Government.

In June an independent journalist from Jalalabad was sentenced to 2 years' imprisonment and fined \$2,250 (108,000 soms) for libeling a judge. After spending 5 weeks in jail, the journalist upon appeal was released and his fine was reduced to \$210 (10,080 soms). Three NGO's, Internews, the Association of Journalists, and the Osh Media Resource Center provided legal representation for the journalist. On October 27 the independent newspaper Res Publica was fined \$5,000 (25,000 soms) for an article it published 2 years earlier that criticized the Ministry of Justice's decisions to revoke the registration of the Kyrgyz Committee for Human Rights in September 1997 and to register in 1998 an alternative body with the same name that was loyal to the Government.

The Government harassed the owner, the editor, and a journalist of the independent newspaper Delo No. These journalists underwent lengthy interrogations by the Ministry of Internal Affairs, and their offices and homes were raided and searched. A case is pending against the newspaper, alleging that it published state secrets during its coverage of the closed trial of Feliks Kulov. The Government also pressured independent television stations. The Government interfered with the stations' programming, particularly their coverage of politics, elections, and candidates. During Feliks Kulov's pretrial incarceration, the Government directed stations to air a documentary program that was highly critical of Kulov. Government interference with independent television and radio stations continues.

There are two television stations in Osh that broadcast in Uzbek: Osh Television broadcasts in Uzbek part of the time—although the station has been criticized by the Government for airing too much Uzbek language programming—and Mezon Television, all of whose programs are in Uzbek. The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population in Osh. A case was pending against Mezon Television for broadcasting a candidate's political advertisement, which allegedly had the potential to inspire interethnic hatred during the parliamentary elections.

Although Osh Television has a license to broadcast, its dispute with the National Agency for Communications (NAC) continues. The NAC required Osh Television to change its broadcast frequency. The station and the association of journalists con-

tinue to protest the change as unfair and not justified technically. It also would impose a financial hardship on the station. The NAC's directive that Osh Television switch channels was postponed until the end of the year. In addition Osh television is engaged in an ongoing dispute with the tax authorities for what it considers unfair tax assessments.

Some independent media continue to operate despite these pressures.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to assemble freely; however, at times the Government restricted this right in practice. The Government on occasion used force to disrupt peaceful demonstrations and officials, including those at local levels, sometimes use regulations that require registration of rallies and demonstrations to restrict this right. The law requires official written permission for holding assemblies, rallies, and demonstrations.

Permits are required for public marches and gatherings but are routinely available. Rallies and demonstrations are held regularly in front of the Government Building and in other places. Throughout the year, several peaceful protests were held outside the President's office. Those demonstrating included pensioners, political and human rights monitors, and ethnic groups living in the country, such as Uighurs and Kurds. During the year, there were many demonstrations protesting the results of the parliamentary elections and the arrests of opposition figures. On March 25, approximately 500 demonstrators gathered in front of the Constitutional Court in Bishkek to demonstrate against the results of the second round of parliamentary elections. This demonstration was held without incident. Throughout the spring, demonstrations were held by supporters, particularly in the Talas Oblast in support of Feliks Kulov (see Section 3). While the police and local authorities did not disrupt the majority of demonstrations, there were instances when the Government either broke up peaceful demonstrations, or harassed those protesting. There are credible reports that police used excessive force to break up a peaceful demonstration in Kara Bura (Talas Oblast) on March 20. Over 100 demonstrators were arrested. In April demonstrators who were protesting Kulov's arrest throughout downtown Bishkek were required to move from the steps of a government building to a park. Local authorities stated that the demonstrators did not obtain the required permit and that the demonstrations were impeding traffic and creating disturbances. The demonstrators subsequently were moved to another, less public, area of Bishkek. Pro-Kulov demonstrators also gathered in front of various government offices and the White House. They also demonstrated in front of the U.S. Embassy and the office of the Organization for Security and Cooperation in Europe (OSCE). These demonstrations were peaceful and were not broken up by police.

The opposition Democratic Movement of Kyrgyzstan ("DDK") was denied a permit to organize a demonstration in front of the White House.

Demonstrations also were held in support of opposition People's Party Leader Daniyar Usenov, who was arrested and briefly detained after the second round of the parliamentary elections.

The Constitution provides for the right of association; however, while the Government generally respects this right, at times local authorities inhibited it in practice.

The 1991 Law on Public Organizations, which includes labor unions, political parties, and cultural associations, requires registration of these organizations with the Ministry of Justice. Excessive caution by some officials is a contributing element for the delay some organizations experience in registering. Ultimately all organizations that sought registration during the year were registered. The Kyrgyz Committee for Human Rights (KHCR) was reregistered in 1999; however, due to government pressure its president, Ramazan Dyryldaev, fled the country (see Section 4).

In June 1999 Parliament passed a new law on NGO's. This law distinguishes NGO's from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The President signed this law into effect at the end of 1999.

c. Freedom of Religion.—The Constitution and the law provide for freedom of religion, and the Government generally respects this right in practice; however, the Government occasionally infringes on this right. The Constitution provides for a secular state and the separation of church and state, and the Government does not support any one religion. The Government expressly forbids the teaching of both religion and atheism in public schools.

In 1996 the Government created a State Commission on Religious Affairs (SCRA), officially in order to promote religious tolerance, protect freedom of conscience, and oversee laws on religion. The Commission quickly became active and has overseen the registration of over 300 religious institutions, of which 210 are Christian denominations. According to a 1997 presidential decree, all religious organizations

must register with the SCRA, which must recognize the registrant as a religious organization; each congregation must register separately. Subsequently a religious organization must register with the Ministry of Justice to obtain status as a legal entity, which is necessary to own property, open bank accounts, and otherwise engage in contractual activities. However, if a religious organization engages in commercial activity, it is required to pay taxes in accordance with the tax code. In practice the Ministry has never registered a religious organization without prior registration by the SCRA. There were no known instances during the year of the Commission refusing attempts by religious groups to register, although the process sometimes is cumbersome, taking a month on average. The Unification Church, which is registered as a social, rather than a religious organization, has "semiofficial status".

Islam is the single most widely practiced faith. Official sources estimate that up to 80 percent of the populace Muslim. There are approximately 1,225 mosques in the country, of which 700 are registered. Approximately 17 percent of the population is Russian Orthodox. There are 40 houses of prayer for other Christian denominations. There were no reports of interference by authorities with worship services.

A number of missionary groups operate in the country. They operate freely, although they are required to register with the Government. There is anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Government authorities indicated that they would monitor the activities of the Unification Church, which is led by Reverend Moon. The Unification Church currently is not active in the country, but it has a presence through the charity organization of Reverend Moon's wife. There were no reports of interference with its activities during the period covered by this report.

The Government is concerned about the threat of political extremism in the guise of conservative Islam, whose followers it labels "Wahabbis". The sentencing in May of three Uighur Islamic militants who were charged with the 1998 bombings in Osh added to the Government's concern about "Wahhabist" elements operating in the country. Armed incursions of the Islamic Movement of Uzbekistan (IMU) in August, as well as between August and October 1999, also increased the Government's apprehension about radical Islam and the actions of its followers.

According to a March 21 Amnesty International report, Jelil Turadi, an ethnic Uighur Chinese national was arrested in Bishkek for not having a necessary residency permit. Unofficial sources stated that after a police search of his apartment turned up religious material that was deemed fundamentalist, Turadi was taken into custody for possessing "Wahhabist" material, and after being interrogated by Chinese and Kyrgyz security agents, was deported back to China.

On September 6, security forces arrested a 23-year-old man in Kara Suu and charged him with instigating "national, racial and religious enmity." He admitted to security forces that he belonged to the banned fundamentalist organization Hezeb-E-Tahrir. According to press accounts, eight persons were arrested in August for distributing literature produced by the IMU.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—In general government policy allows free travel within and outside the country; however, certain Soviet-era policies continue to complicate internal migration, resettlement, and travel abroad. Under the Soviet-era law still in force, citizens need official government permission (a propiska) to work and settle in a particular area of the country. Strictly speaking the propiska affords the right to reside in a given city or region. In addition home and apartment owners legally can sell their property only to buyers with such permission. In practice many employers traditionally have refused to provide employment to any applicant residing illegally. However, this law has not been enforced recently. Persons now move within the country, purchase homes, and sell businesses without hindrance.

There is no law on emigration. In August 1999, a presidential decree stated that exit visa requirements would be abolished by October 1999, and the law was fully implemented by the end of the year. Citizens now can travel abroad without an exit visa; however, some travelers still may be required to present letters of invitation to validate their passports for international travel for their first trips abroad, or for the purpose of emigration. After validation of the passport, travel is unrestricted. A Soviet-era law prohibits emigration within 5 years of working with state secrets. No one is believed to have been barred from emigration under this statute during the year. After validation of the passport, travel is unrestricted. All passport applications are reviewed by the Ministry of National Security. Emigration of both ethnic Russian and Russian-speakers has risen significantly since independence due to fears of discrimination, the threat of continued fighting in the south, and the issue of dual citizenship (an agreement recognizing dual citizenship has not been signed between Russia and Kyrgyzstan). Since independence over 300,000 ethnic Russians

and 200,000 Russian-language speakers have emigrated from the country (see Section 5).

Emigrants are not prevented from returning to the country, and there is reportedly a small but steady flow of returnees.

The armed militants who crossed the border into southern portions of the country from Tajikistan caused an estimated 1,139 citizens to flee their homes and left them internally displaced. Most of those displaced have returned to their homes. The Government, assisted by NGO's and international organizations, rendered assistance to the displaced.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other international humanitarian organizations in assisting refugees.

According to the UNHCR, there were approximately 140 refugees from Chechnya in the country who were granted first asylum. An additional 11,671 were granted refugee status. Of this number, 1,000 were from Afghanistan, and the remainder from Tajikistan. Twenty-two asylum requests from Tajikistan were denied. Since 1993 the country has offered "first asylum" to those who have qualified for first asylum status.

There were no reports of expulsion of those having a valid claim to refugee status. However, there were reports of Uighurs opposed to Chinese policies being repatriated forcibly to China where they feared persecution. The UNHCR assisted approximately 669 Tajik refugees to return to Tajikistan during the year.

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

The Constitution provides citizens with the right to change their government peacefully; however, in practice citizens' ability to do so is limited. During the year both presidential and parliamentary elections were held and both were marred by serious irregularities.

The Constitution mandates presidential elections every 5 years. There is a two-term limit. Although the Constitution only allows an individual to serve two presidential terms, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the old Soviet-era Constitution. However the Government took steps to disqualify otherwise qualified candidates through conviction on questionable criminal charges.

Akayev was elected to a third term as President on October 29 in an election that did not follow international standards for equal, free, fair, and accountable elections. Restrictions on the registration of candidates limited the field to six candidates, and there was intervention by local officials in the electoral process. The OSCE/ODIHR stated that "international standards for equal, free, fair, and accountable elections were not met." Although six competing candidates offered the electorate some political choice, the restrictive process of candidate registration excluded a number of prominent opposition leaders from the election. Harassment of opposition candidates' activities negatively influenced the fairness of the campaign. Pressure against a major domestic election-monitoring NGO violated fundamental freedoms, a setback from the parliamentary elections. Executive authorities, mostly at local and regional levels, interfered in the functioning of election commissions and the electoral process in general. Campaign restrictions and biased media failed to ensure free and fair conditions for candidates. Central Election Commission chairman Sulaiman Imanbaev conceded that violations occurred but accused the OSCE of bowing to pressure from unnamed political forces to give an overly negative evaluation of the election.

The law requires a demonstration of Kyrgyz language competency before final registration as a presidential candidate. According to the Election Code Article 61, command of the language is the ability to read, write, express one's thoughts and speak publicly. The examination is given by a linguistic commission. The procedure for evaluating the examination is not transparent, and the OSCE noted that the difficulty of the exam was not uniform for all candidates. Examination results eliminated seven candidates from the race, including several native Kyrgyz speakers. In September the Constitutional Court heard and rejected a challenge of the requirement brought by two candidates. According to the OSCE, the language test was used to limit the possibilities of participation by opposition candidates.

The administration of voting procedure technically was correct. All six candidates remained on the ballot through election day. The independent media continued to appear until election day, although the Government interfered with the distribution of opposition newspapers. There were candidate observers in most, if not all precincts, although they tended to be poorly trained and unwilling to challenge precinct commissions when their rights as observers were violated. The Government ex-

cluded independent observers representing the constituent organizations of the "Coalition of NGO's for Democracy and Civil Society" from polling places. A pattern emerged whereby local Coalition representatives were denied admittance to polling places when the polls opened, then allowed to enter later in the day after they sought relief through the courts, then again denied access on technical grounds at the end of the voting day. As a result, Coalition representatives were not present in many polling places for the vote count.

According to information released by the Central Election Commission, Akayev received 74.4 percent of the vote; his closest opponent Omurbek Tekebayev received 13.6 percent. The election was flawed in numerous ways including ballot box stuffing, voter intimidation, discrepancies in vote counts, a large presence of local and regional administration officials in and around the polling stations, and the discovery during opening procedures in a precinct in Bishkek of 700 ballots marked for Akayev in a ballot box that was supposed to be empty. In some instances, election observers were unable to witness the counting procedure to verify that votes were tallied for the candidate indicated on the ballot.

In February and March, the first and second rounds of parliamentary elections were held. The Constitution provides for parliamentary elections every 5 years. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs, despite international criticism of these practices following the first round. In decisions that appear politically motivated, a number of prominent opposition candidates were disqualified or deregistered before the runoffs, despite having led the voting after the first round. Although there were improvements in overall election administration on the day of the vote, the process was marred by serious irregularities in a number of key electoral districts. There were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders.

Prior to the parliamentary elections, the Government took numerous actions which disadvantaged opposition political parties. Four political parties, including one of the most popular opposition parties, the People's Party, were blocked from competing because their charters did not state specifically they could compete in elections for state bodies. In a legal challenge, the courts upheld this restriction in the election law. Eight parties were barred from competing because they were registered less than 1 year prior to the announcement of elections. This included a second major opposition party, the Ar-Namys Party, and the progovernment party Adilet. The participation of three registered parties, including the opposition Democratic Movement of Kyrgyzstan, subsequently was challenged on the grounds that their nominating conventions were conducted improperly.

In March a district election commission deregistered opposition candidate Daniyar Usenov from the second round elections on technical grounds related to his alleged failure to include ownership of an apartment in his financial disclosure statement. On March 11, after the parliamentary elections, the Supreme Court reversed the lower court's decision, but neither the Supreme Court nor the Central Election Commission (CEC) would permit a repeat of the election so that Usenov could run in his district. In another instance, on March 9 the Government declared the Issyk-Kul election invalid. The Government subsequently charged Omurbek Suvaniyev, a leader of the Ar-Namys Party and candidate in that election, with fraud, making him ineligible to run in the second election.

On March 10, the Government attempted to deregister Parliamentarian and candidate Omurbek Tekebayev in Bazar-Korgon for filing an allegedly false financial disclosure form. However, the court did not rule in the Government's favor. Before the court decision was rendered, hundreds of Tekebayev's supporters demonstrated and blocked streets in his district.

Opposition candidate Feliks Kulov competed in both rounds of the elections but lost badly in the second round amid credible allegations of ballot tampering. His supporters demonstrated against the election in his district and in Bishkek for several months. The OSCE determined that in the second round of election, in district 44 (in which Kulov ran) there was clear evidence of systematic fraud committed by both state and election authorities. In the second round, more than 10 candidates were automatically declared winners as a result of their opponents' refusal to run or, in 9 cases, the Government's cancellation of the opponents' registration.

The conduct of elections in many places, especially in Talas and Jalalabad, was seriously flawed. Problems included credible reports of a massive increase in advance voting, vote buying, premarked ballots, ballots shown to officials before being deposited in the ballot box, and an atmosphere of intimidation in the election dis-

strict, including threats to students of arrest and eviction from dormitories and confiscation of driver's licenses from truck drivers.

Amendments approved in a 1996 constitutional referendum, which was marred by serious flaws, strengthened the formal power of the President and his advisers, who dominate the Government. The Parliament tends to be subordinate to the executive branch but shows increasing signs of independence, such as the overriding of presidential vetoes. During the year, Parliament adopted 33 laws, of which the President signed 11. The overwhelming majority of local government officials, including mayors and governors, continue to be appointed by the President, but the first elections for local legislative bodies were held in October 1999. The elections were flawed but were an improvement over the 1996 referendum.

Political parties remain weak. There are 27 registered political parties, 15 of which qualified for the proportional representation component of the parliamentary elections. To receive any of the 15 seats available under proportional representation, parties must receive 5 percent of the overall vote. The remaining seats are held by single-mandate candidates. In the lower chamber, 29 of 60 members elected in 2000, including those elected to party seats, claimed party affiliation. In addition there is a parallel structure involving 3 factions with a total of 23 members. In the upper chamber, the People's Representatives Assembly, 7 of 45 members claim party affiliation.

Women and most ethnic minorities are underrepresented in government and politics. Women hold only 7 of 105 seats in the legislature. The Minister of Justice and the Chief Justice of the Constitutional Court are women. The Democratic Party of Women participated in the parliamentary elections and won two party seats, earning 13 percent of the party-list votes. Russians and Uzbeks are underrepresented in government positions, although the newly named First Deputy Prime Minister, is an ethnic Russian, as was his predecessor. In December an ethnic Korean was appointed head of the Supreme Court.

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

Human rights groups operated in an increasingly hostile environment and were faced with continuous government pressure to curtail their activities, especially activities related to the parliamentary and presidential elections. Despite this pressure, most groups were able to continue investigating and publishing their findings on government interference with elections, as well as on human rights cases.

The Government repeatedly threatened leaders of the Kyrgyz Committee for Human Rights (KCHR), the NGO Coalition for Democracy and Civil Society (Coalition), and the Republican party with criminal action for their activity on behalf of opposition political leaders and their supporters. On March 29, the Bishkek city prosecutor sent the Coalition a warning that the Coalition, together with the KCHR, the Public Union for Social Defense of the Population, Union of Kyrgyz Children and Women, and several political parties violated a law that prohibits the destabilization of society by preparing and distributing flyers that appealed for public support of Ar-Namys candidate Feliks Kulov (see Sections 1.d, 1.e, and 3). On March 30, the Bishkek city prosecutor summoned KCHR chairman Ramazan Dyrlydayev and Republican Party chairman Giyaz Tokombayev and delivered the same warning.

In June the Minister of Justice stated that since the Coalition was not registered as a public association with the Ministry, it did not have the right to receive funds from abroad to support its activities, nor could it assess internal political developments. Although no formal action was taken against the Coalition, threats against and intimidation of the coalition continued throughout the year.

On May 31, the Government opened a criminal case against KCHR chairman Ramazan Dyrlydayev for failure to comply with provisions of the Labor Code related to the firing of an employee. The fired employee in question was terminated during the period when the Government deregistered the KCHR and registered a different organization under different leadership under the KCHR's name. Also in May, the Government charged former KCHR deputy chairman Eleman Mambetaipov with misappropriation of furniture located in a room rented by the KCHR from the Ministry of Agriculture. At the trial, the judge would not accept evidence that the property in question was in its proper place. On July 14, Mambetaipov was given a year prison sentence. Dyrlydayev has remained abroad since July. In July police attempted to force their way into the office of the KCHR in an effort to locate him.

In June the Government held a political roundtable including some political parties, NGO's, and social movements. The OSCE initially planned to hold such an event under its auspices. A preparatory committee consisting of nine representatives from the Government, nine representatives from NGO's, and nine representatives from political parties was established for the event. During the preparatory stage,

two political parties, Ar-Namys, whose leader was in jail, and Kairan El, withdrew from the process because their conditions for participation were not met. On June 3, the Government withdrew from the preparations in favor of holding its own event. The majority of NGO's on the preparatory committee and five political parties refused to participate in the Government's roundtable due to unilateral changes of the agenda and the format of the discussion introduced by the Government. The OSCE withdrew its support for the event after the Government's refusal to abide by the formulation worked out by the preparatory committee but attended the event as an observer. OSCE observers stated that the meeting had flaws, including the absence of significant opposition elements and a failure to alleviate tensions that arose after the parliamentary election.

The Government formed a progovernment NGO called the Association of NGO's (the Association). There are reports that local authorities apply pressure on independent NGO's to become affiliated with the government-organized Association. Only those NGO's with independent sources of funding are able to resist this pressure.

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

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language, and the Government expresses a strong commitment to protecting the rights of members of all ethnic, religious, and linguistic groups, as well as those of women; however, in practice it does not always ensure these rights effectively.

Women.—Violence against women is a problem. Research conducted in 1996 on violence against women showed a noticeable increase in such incidents since independence in 1991. Activists note that rape is becoming more common. It is not clear whether the incidence of rape or only the reporting of such attacks is becoming more common, but authorities often ignore such attacks. Government statistics indicate that in 1999, there were 400 to 450 crimes against women, but many crimes never are reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials. The Government has not devised a program to deal with this problem, and the number of shelters for battered women is not increasing to meet the need. The Umut (Hope) Center opened in 1997 to provide basic protection as well as psychological, legal, and medical counseling for battered women and girls. The Umut Center has organized biweekly discussions and training for women to advise and counsel them about their rights. It provides 10 days of emergency shelter, clothing, and meals for battered women as well as employment counseling and legal services. In 1998 the director attributed the rise in the number of women visiting the shelter to the country's severe economic crisis, which had led to increased violence against women. Umut received grants from a variety of foreign sources during the year, and provided shelter for 165 persons and provided advice to 1,524 others through its hot line. Umut also offers psychiatric counseling to victims. There were internationally funded crisis centers for women in need of such assistance in both Talas and Jalalabad.

In 1997 the NGO Tendesh opened a crisis center in Naryn with a hot line to support women affected by violence. It provides psychological, legal, and medical assistance. Another center, Sezim, opened in April 1998 in Bishkek with a staff of lawyers, psychologists, and doctors, and operates a crisis hot line for the public. Staff members conduct training, debates, and seminars on women's rights and family planning. During the year, at least three new programs were introduced to address the needs of women by NGO's. The Congress of Women has set up legal clinics for women throughout the country to help counsel women on legal issues and women's issues. Center Mercy embarked on a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative Aigerim introduced programs to assist with needy families.

Trafficking in women and girls for the purpose of forced prostitution is a growing problem (see Sections 6.c. and 6.f.).

Discrimination against women persists. The law gives equal status to women, and they are well represented in the work force, in professions, and in institutions of higher learning. Women are prominent in law, medicine, accounting, and banking. They also play an active role in the rapidly growing nongovernmental sector.

During the parliamentary elections, NGO's embarked on programs to help educate women in the electoral process and on their voters' rights. The Center of Women's Initiative Aigerim helped train women to monitor during the parliamentary elections. According to Counterpart Consortium, 293 NGO's dealing with women's issues operated in the country during the year, of which 25 deal with women's advocacy. In 1999 women's advocacy NGO's sent an appeal to the Government, Par-

liament, journalists, international organizations, as well as other NGO's in support of women's rights. Nonetheless deteriorating economic conditions have had a severe effect on women, who are more likely than men to lose their jobs. According to a U.N. Development Program report, as of January, the unemployment figures for women were considerably larger (58,300) than those for men (48,100). For women the average wages were lower than \$13 per month (637 soms), and for men \$18 per month (881 soms). Women with children under the age of 16 account for 67 percent of unemployed women. Women make up the majority of pensioners who have felt the negative effects of the country's economic downturn as inflation has eroded pensions that often are paid late. Women's groups express general concern about the situation of rural women. With the end of communism, traditional attitudes toward women are reasserting themselves strongly in the countryside, where women are relegated to the role of wife and mother, and educational opportunities are curtailed. Data indicate that women are becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. A special expert counsel under the State Commission on Family, Women, and Youth Issues reviewed all legislation for a gender perspective and submitted its recommendations to Parliament. The findings demonstrate that while women's rights are supported by legislation, the principle of women's equality is not always observed.

The women's advocacy NGO community is becoming increasingly organized. As a result of conferences held in 1999 an appeal was sent to the Government, Parliament, journalists, NGO's, and international organizations in support of women's rights.

Children.—The socioeconomic situation does not effectively provide decent living conditions for all children. Basic needs for shelter, food, and clothing seldom are met, and the Government does not take effective measures to address these needs. After independence, vaccine-preventable diseases such as diphtheria, polio, and measles reemerged. A range of serious nutrition-related problems affects a large number of children, especially in rural areas. Traditional social safety measures are now inadequate to cope with the social pressures that affect families, and in major cities children regularly are observed begging or selling cigarettes. There are increasing reports of abandonment due to parents' lack of resources to care for children.

Education is compulsory for the first 9 years, and the country has a 97 percent literacy rate. However, the educational system has suffered material and financial hardships, and conditions continue to deteriorate due to an acute shortage of budgetary and material resources. The Government established two funds, Jetkinchek and Kadry XXI Veka (Cadres the 21st Century), to provide educational benefits for low-income and disabled children. Jetkinchek, a Presidential Educational Program, created in 1999, provides assistance such as pens, books, clothes to low-income children. The program is funded primarily by the Government but has received assistance from international organizations. Kadry XXI Veka is another government program financed by international organizations that helps talented youth continue their education abroad.

The Law on Education requires that secondary education be free and universal. However, financial constraints prevent the Government from implementing this for all students. According to the Criminal Code, the penalty for infringing on a student's right to obtain free secondary education ranges from receiving a public reprimand to 1 year of forced labor. The law penalizes parents who do not send their children to school or obstruct their attendance. Many of those families who can afford it choose to send their children to more expensive private schools. Moreover those families that keep their children in public schools must pay administrative fees. These costs add up and are difficult for families, particularly large ones, to bear.

The Government and its Commission on the Affairs of Under-age Children disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Science and Culture, and Health as well as the state television and radio company and various NGO's also help disseminate information including by translations into Kyrgyz, Russian, and Uzbek in order to reach those segments of the population that speak different languages. There are also plans to publish textbooks on human rights problems for high school students, with information on children's rights. The Talent Support Fund, an NGO funded by Save the Children and UNICEF, produced a series of educational television programs titled "The Rights of Children in Kyrgyzstan" to help educate the population.

Human rights groups and the Kyrgyz Children's Fund (KCF) monitor the condition of children. Human rights groups note that children who are arrested usually

are denied lawyers. Police often do not notify parents of children who are arrested, and neither parents nor lawyers generally are present during questioning, despite laws to the contrary. Children often are intimidated into signing confessions.

The KCF is concerned about the growing number of street children, many of whom have left home because of abusive or alcoholic parents. Social workers and police regularly conduct street sweeps to locate abandoned children. Children who are found are sent to orphanages and police holding centers depending on the amount of space available. The KCF has one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. In 1999, the Svetlii Put shelter (formerly known as the Ak Zhol shelter), was reestablished with assistance from UNICEF. During the year, the shelter received training assistance from UNICEF and cared for approximately 32 children. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, opened in 1998 to care for orphans. Approximately 110 children and 14 mothers live in this village, which offers housing and a kindergarten.

Girls are trafficked for the purpose of forced prostitution (see Section 6.f.).

The forced marriage of underage girls has become more common, and the authorities often tacitly approve this practice. Cultural traditions and social structures discourage victims from going to the authorities.

People with Disabilities.—The Government passed the Law on Social Protection of Invalids in 1991 and adopted amendments in October 1998. The amendments provide for convenient access to public transportation and parking for the disabled; subsidies for mass media sources that make their services available to the hearing or visually impaired; and free plots of land to construct a home. Social facilities for the mentally disabled are strained severely, as budgets have fallen and workloads remain heavy. In one program facilitated by foreign volunteers, local high school students have begun to visit special institutions such as those for the mentally disabled.

National/Racial/Ethnic Minorities.—There are reports of discrimination in the treatment of citizens who are not ethnic Kyrgyz. The most recent statistical data reflect the following ethnic breakdown of the population: 61.2 percent are Kyrgyz; 14.9 percent are Russians; 14.4 percent are Uzbeks; 1.1 percent are Tatars; 0.3 percent are Germans; and others constitute 8.1 percent. Members of the minorities allege discrimination in hiring, promotion, and housing. They complain that government officials at all levels favor ethnic Kyrgyz.

Russian-speaking citizens (those who do not speak Kyrgyz) also allege that a ceiling exists in government employment that precludes their promotion beyond a certain level. The representation of ethnic Kyrgyz at senior and intermediate levels of government is disproportionately high, giving credence to perceptions that career opportunities in government are limited for those who are not ethnic Kyrgyz. There also were complaints about discrimination against non-Kyrgyz in the judicial system (see Section 1.e.).

Since independence, over 300,000 ethnic Russians and 200,000 Russian-language speakers have emigrated. In order to help stem the tide of migration, the Government passed legislation elevating Russian to the status of an "official language." On May 20, President Akayev issued a decree to moderate emigration by improving the situation of ethnic Russians and Russian speakers. During the year, a bilateral agreement was signed with Russia on the legal status of Russian citizens living in Russia and Kyrgyz citizens living in Russia. This agreement is to provide maximum social benefits possible under Kyrgyz law for those Russian citizens living in the country.

The Constitution designates Kyrgyz as the state language, but it provides for preservation and equal and free development of Russian and other languages spoken in the country. Kyrgyz increasingly is replacing Russian, and the Government has announced that by 2010 all government documents are to be in Kyrgyz. A new draft law that was introduced in November allows for Russian to be used in the workplace until measures can be established to change to Kyrgyz. On March 20, President Akayev issued a draft decree calling for all high and middle-level government officials to have sufficient proficiency in Kyrgyz, with the aim to have all official business conducted in Kyrgyz by 2005. This draft decree was not enacted into law as a result of widespread criticism. Candidates in the 2000 presidential elections were required to demonstrate ability in Kyrgyz. Some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned (see Section 3).

University education is carried out largely in Russian (although Kyrgyz instruction is available in some departments in some universities, where textbooks are available), so that Russian-language capability remains an important skill for those who wish to pursue higher learning.

Section 6. Worker Rights

a. The Right of Association.—The 1992 Labor law provides for the right of all workers to form and belong to trade unions, and there is no evidence that the Government has tried to obstruct the formation of independent unions. The Federation of Trade Unions of Kyrgyzstan, the successor to the former official union, remains the only trade union umbrella organization in the country, although unions are not required to belong to it. The Federation forms one part of a bilateral commission, along with the Cabinet. Each year the two parties sign an agreement on “cooperation.” There is one small independent union, the Union of Entrepreneurs and Small Business Workers, whose membership reached approximately 80,000. Precise numbers for the Federation’s membership are not available, but it is significantly larger than other unions.

The Federation has been critical of government policies, especially privatization, and their effect on working class living standards. The Federation still regards itself as being in a process of transition, during which it is adjusting its relations with the Government, with other unions in the countries of the former Soviet Union, and with other foreign unions. Growing numbers of smaller unions are not affiliated with the umbrella organization.

The law calls for practices consistent with international standards.

While the right to strike is not codified, strikes are not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse generally directed at unions or individual workers. During the year, there were several instances when workers repairing the Bishkek-Osh Highway went on strike against foreign companies that employed them since they did not receive payment for their work. In November vendors at the Dorodoi Market in Bishkek went on strike to protest against the decision of the Dorodoi Market’s administration to allocate preferred selling areas to Chinese merchants over local merchants.

The law permits unions to form and join federations and to affiliate with international trade union bodies. Since independent unions are still in their infancy, no meaningful affiliation with international trade union bodies has taken place.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right of unions to negotiate for better wages and conditions. Although overall union structure and practice are changing only slowly from those of the Soviet era, there is growing evidence of active union participation in state-owned and privatized enterprises. The Government sets the minimum wage, and then each employer sets its own wage level.

The law protects union members from antiunion discrimination, and there were no recorded instances of discrimination against anyone because of union activities.

There are Free Economic Zones (FEZ’s) that can be used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZ’s.

c. Prohibition of Forced or Compulsory Labor.—The law forbids forced or compulsory labor, as well as forced or bonded labor by children; however, women and girls are trafficked for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Although the majority of children are enrolled in school, child labor is a problem.

Provisions of the Labor Code, the Law on Public Safety, and the Law on the Protection of Rights of Underage Children address child labor. The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The Labor Code is contradictory in the requirements it sets for the minimum age of employment in work that can harm their physical and moral well being (i.e. employment in casinos, bars, night clubs, etc.). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. According to Article 317 of the Labor Code, those between 14 and 16 years of age are permitted to perform strenuous work with parental consent. However, minors less than 18 years of age cannot work in underground conditions. Minors between 18 and 21 years of age may not perform hazardous or manual work. Article 319 sets the maximum daily hours of work for those between 14 and 16 years of age at 5 to 7 hours respectively. Underage children cannot work beyond this limit or during night shifts. These laws also apply to disabled children who work.

Given its budget constraints and lack of resources, the Government is unable to enforce adequately these laws. Although those employers who are caught violating the Labor Code can be charged with disciplinary, financial, administrative, or criminal penalties, the punishment is usually minimal.

Child labor is becoming more widespread both in towns and rural areas. Since many children are “self-employed” (selling newspapers, carrying handcarts at mar-

kets, selling cigarettes and candy on the streets, etc.) or work for their families, it is very difficult for the Government to determine if their work schedule and environment conform to government regulations. Families are traditionally large, and it is sometimes necessary for children to work at an early age to help support the family on the family farm or in the family business.

According to reports from various NGO's, child labor is particularly evident in the south. During the fall, classes are cancelled, and children are sent to fields to pick cotton. During the summer, children are used to harvest tobacco and are involved in all steps of production from the actual picking of the leaves to the preparation for shipping. Some fields are located on school grounds, and the income earned goes directly to the schools, not to the children. Children also are involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The Prosecutor's Office and the State Labor Inspectorate are responsible for enforcing employers' compliance with Labor Code laws. The legislative assembly has established a special commission on education, women's affairs, the family, and minors, which oversees the legal protection of the interests of minors whenever new laws are discussed in Parliament. Public control of compliance with the labor code is enforced by trade unions, a function holdover from the Soviet period.

The Government has undertaken additional initiatives to help protect minors from forced labor. Since the budget is facing severe funding constraints, many children who are entitled to receive help do not.

The Government prohibits forced and bonded labor by children but does not enforce this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The Government mandates a national minimum wage at a level theoretically sufficient to assure a decent standard of living for a worker and family. The legal minimum wage is about \$2.50 (100 soms) per month. In practice this wage is insufficient to ensure a decent standard of living for a worker and family, and therefore industries and employers set the minimum level wages that actually are paid. The Federation is responsible for enforcing all labor laws, including the law on minimum wages. Minimum wage regulations largely are observed. However, the enforcement of labor laws is nonexistent in the growing underground economy. Market forces help wages in the unofficial sector keep pace with official wage scales.

The standard workweek is 41 hours, usually within a 5-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories are poor. Despite the recent improvement in economic growth, the previous deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. In March 1999, the State Inspectorate of Labor was established to protect and educate workers as well as also inform business owners on their respective rights and responsibilities. A 1992 law established occupational health and safety standards, as well as enforcement procedures. Besides government inspection teams, trade unions are assigned active roles in assuring compliance with these measures, but the deterioration of the economy has led to an uneven compliance record among businesses. Workers have the legal right to remove themselves from unsafe working conditions, and workers who choose not to work in an unsafe environment may find employment elsewhere. However, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

f. Trafficking in Persons.—The law provides that those involved in trafficking can be sentenced up to 15 years' imprisonment; however, very few traffickers are caught, and those that are receive lenient sentences or fines. A lack of coordination between government agencies involved in migration issues, the obscure wording of laws regarding trafficking issues, and corruption contribute to the problem. The trafficking of Kyrgyz women and girls, largely to Turkey, Germany, and the United Arab Emirates for the purpose of forced prostitution, is a growing problem. According to the International Office of Migration (IOM), approximately 4,000 women and 7 boys were trafficked abroad in 1999. Often women are trafficked through deception. They are lured abroad under the pretext of legitimate employment (i.e. waitresses, au pairs, dancers, etc.), and by the time they discover the true intent of the traffickers, they find themselves without the money for return tickets, without documents, and are forced to agree to the conditions and terms of the employers. A flourishing sex trade draws girls, as young as age 10, from destitute mountain villages. Several media articles have raised public awareness of the problem. The Ministry of Interior had planned to establish a special police unit to combat trafficking but was unable to do so due to lack of funding.

According to IOM, fraudulent passports are issued to those being trafficked. Eleven law enforcement officers have been accused of preparing fraudulent documentation for trafficked women, and criminal proceedings have begun against three of the accused officers. During the year, 4 persons were tried and sentenced to prison terms for trafficking; 18 persons were tried and sentenced in 1999.

Trafficked women do not normally receive assistance due to lack of understanding of the problem. Many have reported being victimized by law enforcement officials upon their return.

LATVIA

Latvia is a parliamentary democracy. The Prime Minister, as chief executive, and the Cabinet are responsible for government operations. The President, as Head of State, is elected by the Parliament (Saeima). The Saeima elected Vaira Vike-Freiberga to a 4-year term in June 1999. The October 1998 elections for the 100-seat Parliament and the national referendum to amend the Citizenship Law to meet European standards were free and fair. The judiciary is independent but not well-trained, efficient, or free from corruption.

The security apparatus consists of: The national police and other services, such as the Special Immigration Police and the Border Guards, who are subordinate to the Ministry of Interior; municipal police under local government control; the military Counterintelligence Service and a protective service under the Ministry of Defense; and the National Guard, an element of the national armed forces, which also assists in police activities. Civilian authorities generally maintain effective control of the security forces. The Constitution Protection Bureau (SAB) is responsible for coordinating intelligence activities. Some members of the security forces, including police and other Interior Ministry personnel, committed human rights abuses.

Privatization essentially is complete, although some large utility companies remain in state hands including the national electric company, railroads, and shipping. The currency remained stable and traded freely; unemployment was 7.8 percent, and annual inflation was 1.8 percent. Per capita gross domestic product was approximately \$2,950.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, problems remained in certain areas. Members of the security forces, including the police and other Interior Ministry personnel, sometimes used excessive force. In most instances, the Government took disciplinary measures against those responsible. Prison conditions remained poor. Lengthy pretrial detention was a problem. The inefficient judiciary did not always ensure the fair administration of justice. Women are discriminated against in the workplace. Domestic violence, trafficking in women (including minors), and child prostitution and abuse are significant problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

In March 1999, a member of the security police shot and killed two persons and injured three others during a bar fight in Jelgava. In October he was sentenced to 20 years in prison; he appealed to the Supreme Court, which affirmed the verdict of the lower court.

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, but there were credible reports that police and prison guards mistreated persons. In September 1999, four prison guards at Riga Central Prison were dismissed for excessive use of force against prisoners.

In conjunction with the Soros Foundation and the National Human Rights Office (NHRO), the Ministry of Interior continued its programs for educating police officers about human rights concerns. In 1999 a local nongovernmental organization (NGO) established a free legal advisory service for prisoners and others who believe that they were victims of police abuse (see Section 4).

Prison conditions remained poor, although human rights groups noted some improvements during the year. Prison cells often are overcrowded severely. Inadequate sanitation facilities, persistent shortages of blankets and medical care, and insufficient lighting and ventilation are common problems, as is the shortage of resources in general. Most jails badly need renovation. The Government has taken additional

steps to upgrade certain facilities. The NHRO records complaints of violations of the right to humane treatment and respect of dignity. During the year, 47 prisoners filed complaints concerning their treatment, and 19 persons filed such complaints relating to the police. The NHRO investigates each complaint. Human rights groups are alarmed by the number of drug-resistant tuberculosis cases in the prisons, and the Government has received assistance from several foreign organizations to address this problem. Although the number of tuberculosis cases has decreased, the Riga central prison hospital remains overcrowded at close to 200 percent capacity.

At a prominent conference attended by human rights groups and government officials in November, the deputy director of the prison administration and the Prosecutor General criticized the the Government for its failure to improve the Criminal Code and provide resources to the judicial system. Two youths committed suicide in July while in pretrial detention awaiting trial for murder. They were held in the same cell, one for 17 months, the other for 5 months. The archaic provisions of the Criminal Code make it difficult to investigate and move a case forward in the court system. Press reports estimate that 70 percent of all juveniles in prisons are awaiting trial. While most have been waiting for about 2 years, some have been waiting 4 years or more. Unlike convicts, those in pretrial detention are not allowed to work or go to school, have limited contact with outside NGO's or family, and suffer considerably worse living conditions than prisoners in general. The deputy director of the prison system also noted the lack of work and job training for inmates and the need to provide social support to inmates after release.

The Government permits human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law requires the Prosecutor's Office to make a formal decision whether to charge or release a detainee within 72 hours after arrest. Charges must be filed within 10 days of arrest. There were no known instances of arbitrary arrest. The responsibility for issuing arrest warrants was transferred from prosecutors to the courts in 1994. Detainees have the right to have an attorney present at any time. These rights are subject to judicial review but only at the time of trial. According to credible reports, these rights are not always respected in practice, especially outside of Riga.

According to Ministry of Interior personnel, detainees awaiting trial spend an average of 2 years in prison, but many have been there much longer. More than 40 percent of all inmates are in pretrial detention. Complaints were filed by 94 prisoners during the year concerning their right to a just and timely trial.

The law prohibits forced exile, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. However, the courts must rely on the Ministry of Justice for administrative support, and the judiciary is not well trained, efficient, or free from corruption.

The judicial structure is composed of district (city) courts, regional courts, the Supreme Court, and the Constitutional Court. The Constitutional Court is a seven-judge panel that is authorized to hear cases regarding constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated.

The Government continued to reform the judicial system. In 1995 it completed the establishment of regional courts to hear appeals of lower court decisions. For more serious criminal cases, two lay assessors join the professional judge on the bench. Corruption in the judicial system reportedly is widespread. In 1997 the judges appointed to preside over the trial of the president of the collapsed Bank Baltija, Aleksander Lavent, resigned from the case, citing alleged political pressure from the Government. The accusation came after the judges released Lavent to house arrest following a heart attack that he suffered in the courtroom on the first day of the trial. In December 1998, the courts determined that Lavent had recovered his health, and he was returned from house arrest to prison. The trial of Lavent and his alleged accomplices resumed briefly in the fall, but it was suspended again at year's end 1999. The trial resumed in 2000 but was suspended again due to the defendant's illness. On July 27, Lavent filed a complaint with the European Court of Human Rights accusing the Latvian courts of violating his right to a fair and speedy trial. In October Lavents led a hunger strike with several other prisoners to protest lengthy pretrial detention.

Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. A major difficulty in enforcing court decisions is the continuing lack of an effective bailiff or sheriff system. In 1999 a new criminal law went into force, which allows for more alternative punishments, including community service. Despite the new law, alternative punishments are utilized rarely by the courts.

Court decisions are not published systematically, nor is there a centralized index for those that are published. Trials may be closed if state secrets might be revealed or to protect the interests of minors. All defendants have the right to hire an attorney, and the State will lend funds to destitute defendants for this purpose. Defendants have the right to read all charges, confront all witnesses, and may call witnesses and offer evidence to support their case. They also may make multiple appeals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires that law enforcement authorities have a judicial warrant in order to intercept citizens' mail, telephone calls, or other forms of communication. The laws protecting privacy apply to citizens and noncitizens equally. There were no credible reports of the unsanctioned wiretapping of the telephone conversations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. The 1991 Press Law prohibits censorship of the press or other mass media. Most newspapers and magazines are privately owned. Newspapers in both Latvian and Russian publish a wide range of political criticism and viewpoints.

A large number of independent television and radio outlets broadcast in both Russian and Latvian, and the number of persons receiving satellite television broadcasts continued to increase.

The Law on the Media, revised in October 1998, contains a number of restrictive provisions regulating the content and language of broadcasts. No less than 51 percent of television broadcasts must be of European origin, of which 40 percent should be in the Latvian language. However, these provisions are not always implemented. In addition foreign investment may not exceed 20 percent of the capital in electronic media organizations.

There are no restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for peaceful assembly, and the authorities may not prohibit public gatherings; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. In 1997 the Saeima passed legislation on public demonstrations that requires protesters to remain specified distances from foreign missions, the Saeima, the Prosecutor's Office, and certain other public institutions. While the law purports to imitate Western European statutes, independent human rights organizations find its provisions contradictory and confusing. Numerous demonstrations nevertheless took place peacefully and without government interference during the year.

The Constitution provides for the right of citizens to associate in public organizations; however, the Law on Registering Public Organizations bars the registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. Noncitizens can join and form political parties, but there must be at least 200 citizens in the party and at least half of the total membership must be citizens. More than 40 political parties are registered officially.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, bureaucratic problems for minority religions persist. There is no state religion, but the Government distinguishes between "traditional" (Lutheran, Roman Catholic, Orthodox, Old Believers, Baptists, and Jewish) and "new" religions.

Although the Government does not require the registration of religious groups, the 1995 Law on Religious Organizations accords religious organizations certain rights and privileges when they register, such as status as a separate legal entity for owning property or other financial transactions, as well as tax benefits for donors.

By law any 10 citizens or permanent residents over the age of 18 may apply to register a church. Congregations functioning in the country for the first time that do not belong to a church association already registered must reregister each year for 10 years. Congregations numbering 10 or more of the same denomination having permanent registration status may form a religious association. Only churches with religious association status may establish theological schools or monasteries. A decision to register a church is made by the Minister of Justice.

According to Ministry of Justice officials, most registration applications are approved eventually once proper documents are submitted. The Ministry has registered over 1,000 congregations. Problems arise and registration is denied because the Law on Religious Organizations does not permit simultaneous registration of more than one religious union (church) in a single confession. Because of this provi-

sion, the Government can not register any splinter groups, including an independent Jewish congregation, the Latvian Free Orthodox Church, and a separate Old Believers group. The Christian Scientists have been refused registration due to opposition from the Doctors Association.

Shortly after the renewal of independence in 1991, the Vatican, with the support of the Latvian Catholic community, requested negotiations for a reestablishment of the 1922 Concordat, which existed between Latvia and the Vatican during Latvia's period of independence between World War I and World War II. In 1996 the Prime Minister established a working group to negotiate a new agreement. This agreement reportedly would grant the Roman Catholic Church privileged status. The negotiations have led to some concern among members of other religions. If approved it is expected that adherents of other faiths would seek similar recognition and benefits for their own religious community. In November the draft agreement was submitted to the Saima for review.

Visa regulations require that religious workers present either an ordination certificate or evidence of religious education that corresponds to a Latvian bachelor's degree in theology. The visa application process still is cumbersome. However, difficulties in this area diminished, and Citizenship and Migration Department officials have worked to ease the situation. The Government cooperated to resolve several difficult visa cases in favor of missionary workers.

Foreign evangelists and missionaries are permitted to hold meetings and to proselytize, but the law stipulates that only domestic religious organizations may invite them to conduct such activities. Foreign religious denominations have criticized this provision.

The law provides that religion may be taught to students in public schools on a voluntary basis only by representatives of Evangelical Lutheran, Roman Catholic, Orthodox, Old Believer, Baptist, and Jewish religions. The State provides funds for this education. Students at state-supported national minority schools also may receive education on the religion "characteristic of the national minority" on a voluntary basis. Other denominations may provide religious education in private schools only.

The Latvian Lutheran Church established its own clergy education center, the Luther Academy in Riga, in 1998. The Roman Catholic Church also has its own seminary but wants to establish its own separate faculty of theology at the University of Latvia or, alternatively, join forces with a Catholic university elsewhere in Europe that would issue degrees. The University of Latvia's theological faculty is now nondenominational.

Citizen's passports currently indicate the ethnicity of the bearer. Jews are considered an ethnic group and are listed as such rather than Latvian, Russian, etc.

Jewish community leaders have regained a number of major properties around the country, and they report that the legal framework for restitution of religious property is adequate. While restitution of a few Jewish properties proceeds, the process is slow, complex, and often delayed by legal wrangling and bureaucratic obstacles.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government respects them in practice. The Government has readmitted noncitizens who claimed refugee status in a foreign country, or who voluntarily abandoned their permanent residence and then decided to return to the country to live and work. Noncitizens who left the country as refugees based on Soviet-era persecution have no difficulty returning on foreign refugee travel documents for business reasons or for family visits. The Government also extends protections to noncitizen residents who travel abroad.

The 1995 Law on the Status of Former Soviet Citizens stipulates that registered permanent resident noncitizens enjoy the right to establish and change residences, travel abroad, and return to the country. Noncitizens, as well as citizens, may be granted amnesty. However, certain rights are denied to noncitizens. They are prohibited from working as armed guards or criminal trial attorneys. Noncitizens may own land only under complex procedures but may not purchase land in the border zones. The law also provides for the issuance of a noncitizen travel document that certifies these rights.

The Government works closely with the U.N. High Commissioner for Refugees, and the Law on Asylum Seekers and Refugees complies with all provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Special immigration police and border guards units help prescreen asylum requests. Decisions of the Citizens and Migration Affairs Office can be appealed to the Asylum Appeals Board in the Ministry of Justice.

The issue of provision of first asylum did not arise during the year and never has arisen. According to statistics provided by the immigration police, during the year 1,126 aliens were detained for questioning. Of those, 218 were deported, and 79 departed voluntarily. The Government has approached Russia and Belarus about concluding refugee readmission agreements, the lack of which poses a major barrier to effective control of the eastern border. However, by year's end agreements had not been concluded.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Free and fair elections for Parliament were held in 1998, and in June 1999 the Parliament elected the President. In the 1998 election, candidates from 6 of the 21 participating parties, representing a broad political spectrum, won Saeima seats, and 72 percent of eligible voters participated.

The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after January 13, 1991, or who worked for such institutions as the former Soviet Committee for State Security, from seeking elected office. Noncitizens, most of whom are ethnic Russians, are not allowed to vote; however, many ethnic Russians are Latvian citizens and can vote.

On December 15, 1999, the Supreme Court upheld a regional court decision that the extreme Russian nationalist of the Equal Rights Movement and Riga city council deputy Tatyana Zhdanok was not eligible to run for public office due to her pro-Soviet activities after January 13, 1991. After the Riga City Council annulled her election, Zhdanok filed suit against the Latvian Government in the European Court of Human Rights.

Following the restoration of independence in 1991, citizenship was accorded immediately only to those persons who were citizens of the independent Latvian Republic in 1940 and their direct descendants. After independence the status of approximately 670,000 persons, mostly ethnic Russians, changed from citizens of the Soviet Union to noncitizen residents in Latvia. Since 1995 about 39,000 persons have become citizens. Approximately 35 percent or 14,00 of these persons were naturalized in 2000 alone. Owing to the Russification policy pursued during the Soviet era, ethnic Latvians constitute only 56 percent of a total population of 2.5 million, and 78 percent of citizens. Ethnic Latvians do not constitute a majority in three of Latvia's seven cities.

The 1998 Citizenship Law includes a Latvian language and residence requirement for those seeking to naturalize, as well as restrictions on former Soviet intelligence and military personnel. The law also requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to pledge allegiance to Latvia. At present, according to Naturalization Board figures, nearly 95 percent of applicants pass the citizenship tests on the first attempt.

In addition a 1998 referendum brought the citizenship law into compliance with Organization of Security and Cooperation in Europe (OSCE) standards. Children of noncitizens born after August 1992 are entitled to citizenship upon application.

International observers, including the resident OSCE mission, credit the Government with establishing a competent and professional Naturalization Board with offices throughout the country to implement the law. In the estimation of the NHRO, the OSCE, and various NGO's, the Board has sought to apply the law fairly.

International experts, government officials, and domestic human rights monitors agreed that Latvia must continue to place high priority on and devote sufficient resources to implementing the citizenship law in a fair and impartial manner, as well as seek ways to expedite naturalization and promote social integration. Working with the European Union and the U.N. Development Program, the Government also has implemented a long-term nationwide Latvian language teaching program for adults and children in non-Latvian schools.

There are no ethnic restrictions on eligibility to hold political office. Nonethnic Latvians, including ethnic Russians and the first Roma deputy in the Saeima, serve in various elected bodies. Women are underrepresented in government and politics. There are 20 women in the 100-member Saeima. Two women are in the 15-member Cabinet of Ministers. For the first time, the President of the country is female.

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

A growing number of NGO's devoted to research and advocacy on human rights issues, including prison conditions and women's and children's rights, operate without government restriction. Several organizations deal with issues of concern to local noncitizens and other nonethnic Latvians, presenting them to the courts and the press.

The Government engages in dialog with NGO's working on human rights issues. The NHRO is an independent governmental institution with a mandate to promote human rights, provide information on human rights, investigate individual complaints, and initiate its own investigation into alleged violations. The office acts as a general ombudsman on social issues and handles a variety of individual complaints, primarily concerning problems receiving social benefits.

A number of NGO's provide assistance to those who wish to complain of police abuse or abuse in prisons.

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

According to the 1922 Constitution, all citizens are equal under the law. In 1998 the Saeima passed amendments to the Constitution that granted constitutional protection to fundamental human rights. The amendments supersede provisions of the 1991 Constitutional Law, which had served in the interim, and contain constitutional provisions for the exercise of the freedoms of speech, religion, association, the press, and other basic liberties. The amendments also provide for protection from discrimination due to race, sex, religion, language, or disability. Only citizens can vote or hold government office. There are some restrictions on land purchases by noncitizens.

Women.—Despite legal protections, international observers and human rights groups increasingly are concerned about problems facing women. Although no overall statistics are available, sources indicate that domestic violence against women, often connected with alcohol abuse, is significant and underreported. Women who are victims of abuse often seem to be uninformed about their rights and reluctant to seek redress through the justice system. Human rights groups assert that the legal system, including the courts, tends to downplay the seriousness of domestic violence and that the police are sometimes reluctant to make arrests in such cases.

There are no shelters designed specifically for battered or abused women. There is one shelter in Riga where homeless women with children may reside for up to 2 months. Likewise, there are no specific rape or assault hot lines; however, two crisis hot lines are managed by NGO's.

Police do not compile figures for domestic violence as a distinct category. Instead, episodes are placed under more general categories such as assault or battery. During the year, 107 rape cases were reported.

Both adult and child prostitution are widespread, often linked to organized crime, and abetted by economic problems (see Section 6.f.). The Government estimates that 3,000 persons work as prostitutes. The NHRO reports that adult prostitutes have no legal protections. Prostitution is legal; procuring is not. There are no state institutions to assist prostitutes. However, the private Latvian Center for Gender Problems provides medical help and social support for prostitutes.

Sexual harassment of women in the workplace, although illegal, is reportedly common. Cultural factors tend to discourage women from coming forth publicly with complaints of abuse.

Women possess the same legal rights as men. The Labor Code prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon by the Cabinet and labor unions. The code also bans employment discrimination. In reality women frequently face hiring and pay discrimination, especially in the emerging private sector. According to the Central Statistics Bureau, the number of women in the lower income brackets exceeds that of men by 75 percent, while men outnumber women two to one in upper income levels. The Ministry of Welfare has designated a one-person office with responsibility for gender issues.

Women's advocacy groups are growing in size and number. They are involved in finding employment for women, lobbying for increased social benefits, and assisting victims of domestic abuse.

Children.—The law on the rights of the child and the constitutional provisions on children are based on Western European models and provide for various protections, including health care and legal protections against physical abuse. However, resources are not adequate to ensure observance of these provisions. There is a national center for the protection of the rights of the child.

Evidence suggests that abandonment and child abuse, including sexual abuse, are relatively widespread, as is child prostitution. An estimated 12 to 15 percent of prostitutes are considered juveniles, that is, between the ages of 8 and 18. Although in theory the Constitution and the Law on the Rights of the Child protect children, these rights only are enforced sporadically in the case of child prostitutes. Schooling is mandatory through the ninth grade, between the ages of 7 and 16, and free through the 12th grade, or age 18. Despite the existence of laws on mandatory education, truancy is widespread and growing. A few children's advocacy groups are active, particularly in lobbying for legislation to protect children's rights and for increased welfare payments for children.

Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases.

Trafficking in young girls for forced prostitution abroad is increasing (see Sections 6.c. and 6.f.).

People with Disabilities.—The Constitution calls for protection of the disabled against discrimination; the 1992 Law on the Medical and Social Protection of Disabled provides for their right of access to public facilities. Provisions in the Labor Law and other laws aim to protect the disabled from bias in the workplace and from job discrimination. In 1998 the Cabinet adopted a framework document entitled "Equal Opportunity for Everyone." The document is designed to coordinate the efforts of all branches of Government in assisting the disabled. The Government supports special schools for disabled persons. It does not enforce uniformly a 1993 law requiring buildings to be accessible to wheelchairs, and most buildings are not. However, some larger cities, including Riga and Ventspils, have undertaken an extensive wheelchair ramp building program at intersections.

Religious Minorities.—In August the magazine *Kapitals* published a derogatory article about Jews and business. The public and senior government officials immediately condemned the article. The editor of the magazine resigned, and senior officials of the company apologized.

National/Racial/Ethnic Minorities.—Of the country's more than 2.4 million inhabitants, approximately 1 million persons are of non-Latvian ethnicity, including more than 700,000 ethnic Russians, 100,000 ethnic Belarusians, almost 64,000 ethnic Ukrainians, and more than 60,000 ethnic Poles. More than 74 percent of the country's inhabitants are citizens, including nearly 400,000 persons who belong to national or ethnic minorities. There are approximately 583,000 resident noncitizens, of whom an estimated 68 percent are Russian; 12 percent, Belarusian; 9 percent, Ukrainian; and smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians.

Ethnicity is identified in the passport of Latvian citizens but not in the passports of Latvia's noncitizen residents. Groups such as Roma and Belarusians have complained that, because the passport is a basic form of identification, this requirement has opened them to various forms of discrimination based on ethnicity.

On December 9, 1999, the Saeima passed a revised version of the language law, which went into effect on September 1, 2000. The language law regulates the uses of language that affect public safety, health care, protection of the consumer, and labor rights. The law requires that documents submitted to the Government be translated into Latvian, including company reports and records, except in cases of emergency. If a public event is coorganized by the State, one of the working languages must be Latvian. Labels and user instructions for goods sold must be in Latvian, although other languages can be present as well. The law and its implementing regulations meet international standards. However, the implementation of this law remains a matter of public debate and continued international attention.

In July 1998, the police arrested Vilis Linins, the chief ideologue of the ultranationalist Thundercross organization, which was suspected of terrorist attacks against Soviet memorials and other targets. On May 29, 2000, Linins was found guilty of several acts of vandalism and sentenced to 3 years' imprisonment and fined \$35,000 (21,000 lats). This was the first case where a political group was convicted of violent acts carried out to promote its political goals.

The Government financially supports education in both Latvian and Russian, as well as in eight other minority languages. However, under the revised Education Law, the Government is implementing a bilingual education program at the elementary school level. The goal of this program is to facilitate the eventual transition to Latvian-language secondary schools by 2004. Although all non-Latvian-speaking students in public schools are supposed to learn Latvian and to study a minimum number of subjects in Latvian, there is a shortage of qualified teachers.

State-funded university education is in Latvian, and incoming students whose native language is not Latvian must pass a language entrance examination. However, several private institutions offer higher education in Russian.

Section 6. Worker Rights

a. The Right of Association.—The Law on Trade Unions stipulates that workers, except for the uniformed military, have the right to form and join labor unions of their own choosing. Union membership is about 30 percent of the work force. Free elections for union leadership are held every 4 years.

The law does not limit the right to strike, but there were no major strikes during the year. The law bans the dismissal of employees who have invoked the right to strike. No cases of such dismissals have been reported.

Unions are free to affiliate internationally and have established contacts with European labor unions and international labor union organizations.

b. The Right to Organize and Bargain Collectively.—Labor unions have the right to bargain collectively and are largely free of government interference in their negotiations with employers. The law prohibits discrimination against union members and organizers. The Government's ability to protect the right to organize in the private sector is weak.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and it generally is not practiced. Inspectors from the Ministry of Welfare's State Labor Inspection Board or Inspectorate enforce this ban. However, trafficking in women (including minors) for prostitution abroad is a significant problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The statutory minimum age for employment of children is 15 years, although children between the ages of 13 and 15 years may work in certain jobs outside of school hours. The law restricts employment of those under the age of 18; for example, by banning night shift or overtime work. Schooling is compulsory until age 16 and free until age 18. State authorities are lax in their enforcement of child labor and school attendance laws. There generally is no evidence of forced or bonded labor involving children, which is prohibited by law (see Section 6.c.); however, trafficking in young girls for prostitution is a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The monthly minimum wage is about \$82 (50 lats), far below the amount that trade union officials describe as the bare minimum for survival.

The Labor Code provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly, 4 weeks of annual vacation, and a program of assistance to working mothers with small children. The laws establish minimum occupational health and safety standards for the workplace, but these standards frequently are ignored. Workers have the legal right to remove themselves from hazardous work situations without endangering their continued employment, but these standards also frequently are ignored in practice.

f. Trafficking in Persons.—In May the Criminal Code was revised to make it illegal to forcibly send a person to a foreign country for the purpose of sexual exploitation. There were no prosecutions by year's end.

There were instances of trafficking in women for purposes of forced prostitution. Prostitution is a significant problem in Riga, and there is evidence that trafficking in women (including minors) for prostitution abroad also is increasing. The country is primarily a source or transit country rather than a destination.

LIECHTENSTEIN

The Principality of Liechtenstein is a constitutional monarchy and a parliamentary democracy. The reigning Prince is the head of state; all legislation enacted by the popularly elected Parliament (Landtag) must have his concurrence. The Parliament elects and the Prince appoints the members of the Government and of the independent judiciary. In July the Prince decided to postpone the ongoing debate on a new Constitution until after parliamentary elections in 2001. Consultations between the Prince and Parliament's constitutional commission collapsed in April over diverging views on the executive powers of the monarch.

The Interior Ministry effectively oversees the regular and auxiliary police forces. There is no standing military force.

Liechtenstein has a prosperous, highly industrialized, free enterprise economy with a vital service sector. It participates in a customs union with Switzerland and uses the Swiss franc as its national currency. As a member of the European Economic Area (EEA), its 32,000 citizens enjoy a very high standard of living. Unemployment fell to 1.1 percent during the year.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Violence against women is a problem. The Government is working to eliminate societal discrimination against women.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

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

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for freedom from arbitrary arrest and detention, and the Government observes these provisions. Within 24 hours of arrest, the police must bring suspects before an examining magistrate, who must either file formal charges or order release. The law grants suspects the right to legal counsel of their own choosing; counsel is provided to indigents. Release on personal recognizance or bail is granted unless the examining magistrate has reason to believe the suspects are a danger to society or will not appear for trial.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judicial system has three tiers: Lower court; high court; and Supreme Court. In addition an Administrative Court hears appeals against government decisions. The State Court protects the rights accorded by the Constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the Government.

The Constitution provides for fair public trials and judicial appeal, and an independent judiciary respects these provisions.

The Constitution authorizes the Prince to alter criminal sentences or pardon offenders. However, if the offender is a member of the Government and is sentenced for a crime in connection with official duties, the Prince can take such action only if the Parliament requests it.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for personal liberty and for the inviolability of the home, postal correspondence, and telephone conversations. No violations were reported. Police need a judicial warrant to search private property.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—An independent press, an effective judiciary, and a democratic political system combine to ensure freedom of speech and of the press. Two daily newspapers are published, each representing the interests of one of the two major political parties, as is one weekly newsmagazine. One state and one private television station broadcast, along with a private radio station, and residents freely receive radio and television broadcasts from neighboring countries. An information bulletin is also issued by the third party (Freie Liste) represented in Parliament. There are no limits on access to the Internet.

In October 1999, the European Court of Human Rights (ECHR) fined Prince Hans-Adam II for abusing one of his subject's freedom of speech. The ECHR reprimanded the monarch for refusing to reappoint a judge, Herbert Wille, who disagreed with him in an ongoing constitutional debate. In a public lecture held in 1995, Wille said that the State Court should decide on cases of disagreement between citizens (represented in parliament) and the Prince. The Prince wrote Wille shortly afterwards that the opinions that he expressed disqualified him from office, and in 1997 he refused to endorse Parliament's support for Wille's reappointment as head of the administrative court. The ECHR found that Hans-Adam II had curbed Wille's right to free speech and ordered him to pay \$59,000 (100,000 Swiss francs) in costs and damages. In his response on the following day, Prince Hans-Adam II stated that he took note of the judgement of the ECHR; however, the Prince had not reappointed Wille to the court by year's end. The Prince further stated that he and his successors will no longer publish the reasons for such appointment decisions. The 100,000 Swiss francs in costs and damages were paid out to Willie and his two legal counsels in February.

The Government respects academic freedom.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government does not hamper the teaching or practice of any faith. The relationship between the Government and the Catholic Church currently is being redefined, and a new agreement is scheduled for 2002. The Government contributes to the Catholic Church, as well as to other denominations. The finances of the Catholic Church are integrated directly into the budgets of the national and local governments. Catholic or Protestant religious education is compulsory in all schools, but the authorities routinely grant exemptions for children whose parents request them.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens have unrestricted freedom to travel in the country, to emigrate, and to return.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. On July 3, the Government signed a trilateral agreement with Switzerland and Austria regarding the return of persons entering the country without permission. The treaty was ratified on October 25.

The Government provides first asylum; however, the country's lack of an airport or international train station means that it receives few requests. The 1998 asylum law is in accord with the U.N. 1951 Convention on Refugees and its 1967 Protocol. Since its passage, the number of asylum requests has increased. Those persons who enter from Austria without permission still are returned to Austrian authorities in accordance with a 1955 bilateral agreement.

The Government granted collective protective status to Kosovar immigrants in the fall of 1998, following rising numbers of asylum applications. In April 1999, the Government decided that children under age 20 and spouses of guest workers from Kosovo could enter the country on request. In total the Government granted temporary protective status to 748 immigrants from Kosovo. In September 1999, the Government stopped granting collective asylum and set a deadline 8 months later (May 31) for repatriations.

By October 1999, 505 Kosovars left the country voluntarily, 481 of whom agreed to their repatriation before the May 31 deadline and thus benefited from government financial and material assistance in coordination with Switzerland's refugee repatriation program. Beginning in June, 19 Kosovars were "forcibly" repatriated, but only 1 was repatriated under police escort. To avoid repatriation, 92 Kosovars disappeared. An additional 115 Kosovars, whose asylum applications are pending, remained in the country awaiting a decision on their applications.

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

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

The country is a constitutional monarchy and a parliamentary democracy. The monarchy is hereditary in the male line. The 25-member unicameral legislature is elected every 4 years. Suffrage is universal for adults over age 18, and balloting is secret. Political parties operate freely. Citizens regularly vote on initiatives and referendums.

Women are underrepresented in politics and government, although since gaining the right to vote in 1984, a growing number have been active in politics. A woman, the Foreign Minister, is one of the five members of the Cabinet, and another is a Member of Parliament. Women serve on the executive committees of the major parties. In June 1999, women's organizations, political parties, and the Government's Bureau for the Promotion of Equal Rights for Women and Men held a convention to promote greater participation by women in politics.

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

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

The sole local human rights organization, *Justitia et Pax*, is an informal group of about 10 members who monitor prison conditions and assist foreign workers with immigration matters.

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

The law prohibits discrimination on the basis of race, sex, language, or social status, and the authorities respect these provisions. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, ethnic group, or state.

Women.—Violence against women is a problem. Nongovernmental organizations (NGO's) estimate that one in five women is a victim of physical or psychological violence. There is 1 women's shelter, which provided refuge for 33 women, only 12 of whom were citizens, and 30 children during the year. Annual government financing for the shelter is approximately \$140,000 (240,000 Swiss francs). The law prohibits all forms of domestic violence, and the Government vigorously enforces the law.

NGO's assume that, as in neighboring countries, trafficking in women occurs, but no specific cases have been documented (see Sections 6.c. and 6.f.).

Societal discrimination still limits opportunities for women in fields traditionally dominated by men. Men earn more than women. In accordance with a 1992 constitutional amendment mandating equality for women, Parliament amended a significant number of laws to provide for equality of treatment. For example, Parliament revised the citizenship law, the employment law, the law on labor conditions, the tax law, and the divorce law. The process of amending laws is almost complete. In March 1999, Parliament passed legislation on equal opportunity for women and men. The law is designed to eliminate discrimination and sexual harassment in the workplace and to create conditions that allow both women and men to combine work and family. It entered into force in May 1999. In April 1999, the Government approved a plan to promote equal opportunity and to create conditions that allow both men and women to combine work and family. Measures include: Raising public awareness about the new law; improving programs and infrastructure for traditional and single-parent families, such as affordable housing and childcare; promoting educational and career opportunities for women; and raising recognition for work in the home to the same level as for work outside the home. The Government took steps to end all forms of discrimination against women. In December 1999, the Government signed the optional protocol to the U.N. Convention on the Elimination of All Discrimination Against Women.

Three women's rights groups were active. Their chief concerns were public affairs, information, legal counseling, lobbying, and other political activities.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provided compulsory, free, and universal primary school education for children of both sexes for 9 years, normally until the age of 16.

The Government supported programs to protect the rights of children and matches contributions made to the four NGO's that monitor children's rights. A children and youth service belonging to the Office for Social Services oversaw the implementation of government-supported programs for children.

In September the Government signed two optional protocols to the 1989 U.N. Convention on the Rights of the Child. One protocol strictly regulates the drafting of minors into the armed services, and the other forbids child prostitution and child pornography as well as trafficking in children.

In November the Government established a Commission for the Coordination of Professionals in Cases of Sexual Offences against Children. The group consisted of experts from different backgrounds and focused on assisting professionals (counselors, therapists, and physicians) who deal with sexual offences against children. The Commission takes a comprehensive approach to sexual offences against children.

During the year, two children allegedly were abused sexually by acquaintances, but the prosecutor's office dropped the case after further inquiries undermined the validity of the allegations. The suspect, a Brazilian national, no longer resides in the country.

There is no societal pattern of abuse against children.

People with Disabilities.—Although the law expressly does not prohibit discrimination against people with disabilities, complaints of such discrimination may be pursued in the courts. Amendments to the law on insurance for the disabled, which were intended to improve the economic situation of disabled persons, came into force in 1997.

The Government requires that buildings and government services be made accessible for people with disabilities, but in general they are not, particularly old buildings.

National/Racial/Ethnic Minorities.—In its 1998 security report, the Government confirmed the existence of a small number of rightwing extremists, consisting of

about 20 skinheads between the ages of 20 and 30, and about as many followers of a slightly younger age. A 1999 government survey of 700 young persons indicated that approximately 20 percent of youths expressed ambivalence toward or sympathy for extremist views, while 4 percent supported extremist views. Incidents of violence increased in 1999, according to the survey. On August 19, an adolescent from former Yugoslavia was injured in a fight with a local youth. The attack appeared to have been motivated racially. The rightwing extremists have not been publicly active. One case of repeated verbal attacks against Kosovar refugees was reported to a local NGO. In November 1999, a local youth was fined \$375 (600 Swiss francs) and sentenced to 2 weeks of social work for putting a racist web site on the Internet. There were no reports of rightwing propaganda on the Internet during the year.

Parliament adopted national antiracism legislation in December 1999. The law entered into force on February 11 and makes it a crime to produce or distribute racist propaganda, deny or trivialize genocide and crimes against humanity, engage in racist or religious discrimination, deny services to a particular group, or support racist organizations. Violations are punishable with a maximum 2-year prison sentence. On March 1, the country acceded to the U.N. Convention against Racial Discrimination. On June 18, voters approved a referendum that changed naturalization requirements to facilitate the naturalization of long-term residents, but it required that applicants relinquish their citizenship in other countries.

Section 6. Worker Rights

a. The Right of Association.—All workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives. Due to the country's small size and population, only one trade union operates, representing about 13 percent of the work force. However, the sole trade union looks after the interests of nonmembers as well. It is a member of the World Confederation of Labor but is represented on an ad hoc basis by a Swiss union.

Workers have the right to strike except in certain essential services. No strikes were reported during the year. The law does not provide specific protections for strikers. Employers may dismiss employees for refusing to work; such dismissals may be contested. In 1997 the Government incorporated EEA guidelines into its domestic labor law. These guidelines require that, among other things, employers consult in cases of projected mass dismissals and submit employment contracts in written form.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and bargain collectively. However, collective bargaining agreements generally are adapted from ones negotiated by Swiss employers and unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and it is not known to occur. Except by implication, the law does not forbid forced and bonded labor by children specifically, but such practices are not known to occur. NGO's assume that trafficking in women occurs, but there were no reports of specific cases (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government does not prohibit forced and bonded labor by children specifically, but such practices are not known to occur (see Section 6.c.). The law generally prohibits the employment of children under 16 years of age. However, exceptions may be made for the limited employment of youths at least age 14 and for those who leave school after completing their 9 years of compulsory education. Children ages 14 and older may be employed in light duties for not more than 9 hours a week during the school year and 15 hours a week at other times.

Inspections are adequate. No employers have been fined or imprisoned for violations of the law. The Government devoted adequate resources and oversight to child labor policies. The Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law.

e. Acceptable Conditions of Work.—There is no national minimum wage. The number of working poor households has not increased in recent years. In 1999 36 households (0.3 percent) depended on public welfare to obtain a yearly minimal income, set at \$10,700 (17,720 Swiss francs) for a one-person household, and were considered working poor. A total of 458 households (2.7 percent) received public assistance. The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for all other workers. With few exceptions, Sunday work is not allowed. Workers over age 20 receive at least 4 weeks of vacation; younger workers receive at least 5 weeks.

The law sets occupational health and safety standards, and the Department for Worker Safety of the Office of the National Economy effectively enforces these provi-

sions. The law provides for a hearing in cases in which workers remove themselves from dangerous situations.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons.

NGO's assume that, as in neighboring countries, trafficking in women occurs, but no specific cases have been documented. Although there were no reports of trafficking during the year, six cases of trafficking in persons (assistance with illegal immigration) were reported in 1999. In most cases, the traffickers concerned were relatives of illegal immigrants.

LITHUANIA

Lithuania is a parliamentary democracy with a Constitution adopted by referendum in 1992. The Constitution established a 141-member unicameral legislature, the Seimas; a directly elected president; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Seimas. The Government exercises authority with the approval of the Seimas and the President. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

Since its independence in 1990, Lithuania has made steady progress in developing a market economy. Most housing and small businesses are privatized, and the contribution of the private sector to gross domestic product amounts to more than 70 percent. Trade is diversifying and expanding both to the West and the East. Agriculture employs the largest number of workers (20 percent). Major exports include textiles, mineral products, machinery, and electronic appliances. Inflation from January to August remained low at 0.3 percent. Per capita GDP in 1999 was \$2,878. During the first half of the year, real GDP reportedly increased by 2 percent. However, unemployment continued to remain high at over 11 percent. (It was above 15 percent according to a labor market survey.)

The Government generally respected the human rights of its citizens; however, problems remained in some areas. Police on occasion beat detainees and misused detention laws. The Government has made some progress in bringing police corruption under control. Prison conditions remained poor, and prolonged detention in a small number of cases remained a problem. State media continued to be subject to political interests. Violence and discrimination against women and child abuse were serious problems. Trafficking in women and girls for the purpose of forced prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

In 1998 the President formed the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission includes historians, human rights representatives, representatives of international Jewish organizations, and lawyers from Lithuania and a number of foreign countries. The Government allotted \$37,500 (150,000 litas) to establish a full-time working secretariat for the Commission. The secretariat was in operation by October 1999, and the first research group of the Commission began work in December 1999.

In August 1999 a court found six persons guilty of complicity in the January 1991 coup attempt. The defendants were former leaders and officials of the Lithuanian Communist Party who were sentenced to prison terms of from 3 to 12 years for crimes that included premeditated acts of murder and inflicting serious bodily harm. Defense lawyers appealed the verdict, but their appeal was still under consideration at year's end.

Formal charges were filed against alleged war criminals Aleksandras Lileikis and Kazys Gimzauskas. After being stripped of his U.S. citizenship in 1996 for concealing his World War II activities, Lileikis returned to Lithuania. He was accused of acts of genocide committed when he headed the security police of the Vilnius district under Nazi control. Lileikis's trial was postponed several times due to his poor health; he died at age 93 without trial on September 27.

Gimzauskas, who served as Lileikis's deputy during the war, returned to Lithuania in 1993. On October 13, 2000, the Vilnius regional court decided to try the

case of Gimzauskas in absentia due to his poor health. The court hearing started in November. It is expected that the court will hear the case and make a decision regarding guilt, but that there would be no sentence imposed. After considering the case, the court also can adopt a resolution on whether Gimzauskas' actions in this particular case constituted a crime or not, thus formally closing the case.

In June 1999, the Prosecutor General's Office of Special Investigations filed genocide charges against Vincas Valkavickas, who returned to Lithuania in June 1999. In July 1999, a case was initiated against Petras Bernotavicius, a resident of the United States, and Antanas Gudelis, an Australian citizen. In July 1999, the prosecutor launched an investigation into the role of Kazys Ciurinskas in a separate war-related criminal case. No substantial progress was reported in the latter four cases by the end of the year.

b. Disappearance.—There were no reports of politically motivated disappearances. There is a growing problem of women being forced or sold into prostitution by organized crime figures. Their families often believe that they disappeared or were kidnaped (see Sections 5, 6.c., and 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically forbids torture, and there were no reports of its use; however, police sometimes beat or otherwise physically mistreat detainees. The press reported that incidents of police brutality are becoming more common. In many instances, the victims reportedly are reluctant to bring charges against police officers due to fear of reprisals. According to the Ministry of Interior, during the first 6 months of the year no police officers were charged with abuse of power or sentenced. In 1999 four officers were charged and one was sentenced for this crime.

The Interior Ministry states that district police inspectors are the most negligent in the force. To strengthen the integrity of the police, the Inspectorate General of the Interior Ministry was given administrative autonomy in 1997. In 1999 the Inspectorate General was reorganized into an office of the Inspector General, and some functions of the Inspectorate were delegated to the internal investigations division at the police department. The Inspector General cannot investigate abuses on his own authority but can act only on the order of the Minister.

In the past, noncommissioned military personnel committed human rights abuses by hazing recruits, despite efforts to quash the practice, which was inherited from the former Soviet armed forces. As living conditions improve for military personnel, human rights violations committed by noncommissioned officers have declined significantly. During the year, seven criminal cases were filed for "systemic degrading treatment" or breach of discipline involving violence (the relevant legal codes). According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The Ministry believes that a lack of professionalism among noncommissioned officers—rather than ethnic, regional, or social factors—is a primary factor in cases of hazing, and it is working actively to improve their skills and judgment. In 1999 the Seimas approved a new disciplinary statute for the armed forces, and the military police formed by a 1998 law are charged with maintaining discipline. The disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

Prison conditions are poor. Due to limited resources, most prisons are overcrowded and poorly maintained. One local human rights group claims that the administration of penal institutions does not do enough to prevent violence among prisoners. During the first 9 months of the year, 35 deaths were recorded among prisoners (16 of them killings) as well as 524 injuries, mostly self-inflicted (in order to escape abuse from fellow inmates or guards).

The Government is attempting to reform the prison system with international assistance; however, progress has been very slow. In September the Seimas adopted a new Criminal Code. The prison department was transferred from the Ministry of Interior to the Justice Ministry, heralding the beginning of practical reforms in the correctional system. New hygiene norms came into effect in 1999 that require a certain amount of space for each convict to assure healthy and safe conditions. However, in 2000 the budget allotted \$5 million (20 million litas) less for running 14 correctional institutions than in 1999. Funding only covers minimal needs and on average amounts to 75 cents for three meals per prisoner per day. Thus prison overcrowding persists, particularly in pretrial detention.

As a result of the funding shortfall and overcrowding, a Law on Amnesty was passed in April that reduced the number of prisoners and detainees from 15,000 (as of January 1, 2000) to 9,000 (as of July 1, 2000). As of August 30, there were 7,045 prisoners, including 251 women and 125 juveniles (2 women). There were 1,612 detainees, including 68 women and 99 juveniles (2 women). The latter are held separately from adults.

Human rights monitors are permitted to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that no person may be arbitrarily arrested or detained; however, there were instances of prolonged detention. Under the law, police temporarily may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Pretrial detention applies only in the case of felonies and when it is impossible to prevent flight by other means or to allow unhindered investigation. A district judge, acting on a prosecutor's application, may order longer pretrial detention, which can last up to 6 months and may be extended using the same procedure for periods not to exceed 18 months in total. However, in practice the prison department admits that pretrial detention has in some instances exceeded 18 months. The prison department faults a slow justice system that cannot bring cases to trial expeditiously. Bail in theory is available, but it is not used widely. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.).

In an effort to cope with the rise in violent organized crime, the 1997 Law on the Prevention of Organized Crime allows for the imposition of restrictions on the freedom of a person who by his actions might "restrict the rights and freedoms of other persons, create conditions for the emergence and development of social and economic preconditions of organized crime, or pose a threat to public security."

The Government is addressing concerns that periods of detention were excessive. The Prosecutor General is stepping up his monitoring of the investigation of cases, and additional and better qualified judges are being added.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the judiciary is independent in practice.

The Constitution and the 1994 Law on Courts established a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Supreme Court's Senate of Judges, consisting of the Supreme Court chairman, the division chairmen, and other members of the Supreme Court, rules on the decisions by lower domestic courts that may violate the European Convention on Human Rights. The Constitution also established a Constitutional Court and allowed for specialized courts for administrative, labor, family, and other purposes.

The administrative courts began functioning on May 1, 1999. The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in the sphere of public administration and taxation. The creation of administrative courts completed national court reform, a process that started in 1995. The Ministry of Justice is moving towards a system of specialization of judges in district and local courts according to the types of cases.

A new Civil Code was adopted in July. It will enter into force in July 2001. The Civil Code complies with the requirements of the European Convention on Human Rights and takes into account the jurisprudence of the European Court of Human Rights. The Seimas adopted a Criminal Code in September 2000. It will enter into force simultaneously with the Code of Criminal Procedure, which was still under preparation at year's end.

The Constitutional Court, at the request of the President, members of the Seimas, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet. The Constitutional Court's authority to issue the final word on subjects within its jurisdiction is unquestioned; it is the country's ultimate legal authority with no further appeal of its rulings.

The 1996 Law on Commercial Arbitration provides for the establishment of arbitration institutions and the abolition of the economic court (abolished in 1998). The law provides for private dispute resolution by an arbitration tribunal, either organized by a permanent arbitration institution or by the parties themselves.

The Prosecutor General exercises oversight responsibility through a network of district and local prosecutors who work with police investigators—employed by the Ministry of the Interior—in preparing the prosecution's evidence for the courts.

The Constitution provides for the right to legal counsel for defendants. In practice the right to counsel is abridged by the shortage of trained advocates, who find it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. Outside observers have recommended the establishment of a public defender system to regularize procedures for the provision of legal assistance to indigent persons charged in criminal cases. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honor routine, written requests for evidence. By law a judge may decide to hold a closed trial in a limited number of circumstances.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. During the first 8 months of 2000, the Supreme Court overturned the rehabilitation of 15 persons.

Parliamentarian Audrius Butkevicius, a former Minister of National Defense, was charged in 1997 with several counts of corruption. According to the Lithuanian Human Rights Association, the case was based on false information from the State Security Department. Butkevicius's pretrial detention was prolonged without the decision of a judge. The parliamentary ombudsman said that there were many similar cases and confirmed that the authorities had violated the law. Typically, he wrote, judges and prosecutors wrongly interpret the law to mean that pretrial detention can be extended automatically when a case is submitted to a court of law. In 1998 Butkevicius was sentenced to 5^o years in prison, fined \$12,500 (50,000 litas), and half of his property was confiscated. On May 12, 1999, the Supreme Court rejected Butkevicius's appeal. Butkevicius's lawyers appealed to the European Court of Human Rights, and in September the Court agreed to review the case; but it had not been resolved by year's end 2000. Butkevicius was released on March 20 after serving two-thirds of his 5^o-year jail term. He resumed his seat in the Parliament. However, the court decided that he had not completed the sentence at least 65 days before election day, and thus he was not allowed to be a candidate for the parliamentary elections in October.

In November the European Court of Human Rights (ECHR) announced that it would try three new cases against Lithuania. The cases were brought by former Prime Minister Adolfas Slezevicius, former Kaunas Police Commissioner Stasys Sipavicius, and businessman Arvydas Stasaitis. The ECHR found that Stasaitis' entire period of detention (1996–2000) may have been unjustified. He was charged with large-scale financial crime. Slezevicius was accused of abusing his position as Prime Minister when he withdrew his personal funds from a Lithuanian bank just days before it failed. The case was accepted because charges against him were investigated for too long (4 years) and never came under scrutiny in a court of law. Sipavicius spent 10 months in custody before his trial on charges of abusing his powers in a major smuggling case. He was sentenced to the 10 months served for neglecting his duties and released in court. Sipavicius complained that the charges against him suddenly were changed and that he had not had time to prepare to defend himself against the new charges.

Through December 2000, the ECHR ruled against the Government in 5 cases involving various breaches of conventions, laws, and regulations concerning arbitrary detention and the right to a fair trial.

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 the Government generally respects this right in practice. The authorities do not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens. However, with the written authorization of a prosecutor or judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police must obtain a search warrant signed by a prosecutor before they may enter private premises.

However, it is assumed widely that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organized crime. There is some question as to the legal basis for this police surveillance, but there are no known legal challenges to such surveillance.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

Prior restraint over either print or broadcast media and restrictions on disclosure are prohibited, unless the Government determines that national security is involved. Under a 1996 media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. This ombudsman position later was established and funded by the Seimas.

The independent print media are flourishing and comprise a wide range of newspapers and magazines. Radio and television include a mix of state and private stations. National television and radio are in the process of being transformed into an

entirely public entity; however, attempts to make it independent financially from the Government have lagged.

There are no restrictions on academic freedom.

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

The Communist Party of Lithuania and other organizations associated with the former Soviet regime continued to be banned.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respects this provision in practice. A 1995 law grants religious communities, associations, and centers property rights to prayer houses, homes, and other buildings. Article 5 of this law mentions nine religious communities that have been declared “traditional” by the law and therefore are eligible for governmental assistance: Latin Rite Catholics; Greek Rite Catholics; Evangelical Lutherans; Evangelical Reformers; Orthodox; Old Believers; Jews; Sunni Muslims; and Karaites. In 1999 the Hasidic Chabad Lubavich community was recognized by the Ministry of Justice as a part of the Jewish religious community, thereby gaining the status of an official religious community that the rest of the Jewish community had enjoyed since 1995. Other religious communities are not eligible for financial assistance from the Government, but there are no restrictions on their activities or property rights. Nontraditional foreign religious workers must obtain work permits, and they face difficult bureaucratic requirements in obtaining residence permits from officials who regard them as representatives of cults and sects. These religious workers complain of unofficial harassment. There are no restrictions on the activities of other religious communities. In 1999 the Seimas amended the Law on Religious Communities and Associations. The amendment provides funding from the national budget for educational institutions of traditional religious organizations. The Government Department of European Law has warned publicly that this amendment discriminates in favor of traditional religious communities versus nontraditional; the law is expected to come into effect in 2001.

Under 1995 legislation, the Catholic community has been more successful in having its property returned than the Jewish community; an agreement between Jewish community leaders and the World Jewish Restitution Organization signed in 1995 never has been implemented. However, some religious property, including 26 synagogues, was returned to the Jewish community, mostly from 1993 to 1996.

The law provides for the restitution of private property to citizens, but the deadline for filing claims has passed. A number of successful claims were made, and others still are pending. A lack of funds for compensation and protracted bureaucratic obstacles are the primary problems preventing the return of private property. The Government has taken no action on the problem of heirless (community) property and has no plans to do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Under the law, citizens and permanent residents are permitted free movement within the country and the right to return to the country, and the Government respects these rights in practice. There are no restrictions on foreign travel.

Under 1997 and 1998 legislation, the Government grants refugee status to qualified applicants in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

There is a registration center for migrants and asylum seekers in the town of Pabrade, where 30 illegal immigrants were registered in August, and a refugee reception center for asylum seekers in the town of Rukla, where 56 persons were registered. Living conditions at the center for refugees in Rukla are modern, safe, and healthy. The center has benefited from financing from other European countries. The center in Pabrade is overcrowded and rundown, but construction was underway on a new complex there. As of September, of a total of 2,765 foreigners initially settled at the Pabrade center (since 1997), 1,884 eventually were deported. Irregular migration reached its peak in 1997. By mid-2000 it had decreased by more than 400 percent due to improved border control, the adoption of new and strict laws against human smuggling, and the more effective detention and return of migrants to their countries of origin. However, counter to this trend, illegal immigration from CIS countries and Afghanistan was on the rise. The Government continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus, the two countries used by most migrants to reach Lithuania, but no progress had been made by year's end. A border demarcation agreement with Belarus was ratified. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. There

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Seimas, 71 are elected directly, and 70 are elected through proportional representation. Only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament.

In 1998 independent candidate Valdas Adamkus was elected President by a narrow margin. Following the resignation of Prime Minister Gediminas Vagnorius, the Seimas endorsed the 14-member Cabinet of Prime Minister Rolandas Paksas, a member of the ruling Conservative Party, to carry out the amended program of the Government. Paksas resigned in October 1998 in opposition to a government oil privatization contract. The next Prime Minister, Andrius Kubilius, stepped down after the October 2000 general elections, and Rolandas Paksas, who switched parties and became leader of the Liberal Union, was sworn in as Prime Minister.

Women are underrepresented in politics and government, although there are no legal restrictions on their participation. The number of female parliamentarians in the new 141-seat Seimas, elected in October, is 14 compared with 24 in the previous Seimas; as in the previous government, there is 1 female minister in the new 14-member Cabinet.

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

Most government authorities cooperate with local nongovernmental organizations and actively encourage visits by international and nongovernmental human rights groups. A key exception in the past was the Ministry of Interior, which continually refused to release information on police brutality and statistics on corruption-related incidents. The Ministry is more willing to share such information; however, it has released few statistics or reports. The Association for the Defense of Human Rights in Lithuania is an umbrella organization for several small human rights groups, all of which operate without government restriction.

The division of human rights of the department of international law and European integration in the Ministry of Justice monitors law and legal practice to determine whether they are in accord with the country's international obligations.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, or ethnic background; however, discrimination against women in employment and other areas persists.

Women.—The abuse of women at home is reportedly common, especially in connection with alcohol abuse by husbands, but institutional mechanisms for coping with this problem are developing slowly. A women's shelter funded in part with Norwegian assistance is now in operation. According to one sociological survey published in 1997, 20 percent of women reported experiencing an attempted rape, while another 33 percent reported having been beaten at least once in their lives. During the first 6 months of the year, 154 rapes were reported, but only 78 were registered and prosecuted. Official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison.

Trafficking in women for the purpose of forced prostitution is a problem (see Sections 1.b., 6.c., and 6.f.).

The Constitution provides for equal rights for men and women; however, women continue to face discrimination. Official policy specifies equal pay for equal work. The Law of Realization on Equal Rights and Opportunities for Women and Men came into effect on March 1, 1999. The Office of the Ombudsman for Equal Opportunities of Women and Men was established in May, and the Seimas appointed lawyer Ausra Burneikiene as ombudsman. The Ombudsman's Office is an independent public organization, accountable to the Seimas, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code envisions criminal sanctions for discrimination or harassment. Generally, men and women receive the same pay for comparable work, but women are underrepresented significantly in some professions and in the managerial sector as a whole. Women are underrepresented in businesses. Signifi-

cant inequalities in society based on gender continue, and conservative views about the role of women persist. In 1999 the Ministry of Education and Science abolished preferential university entrance criteria. Since then the equal opportunities ombudsman also closely followed admission examinations to high schools. During the period from March to August, the ombudsman received 20 complaints based on gender discrimination. During the period from July 1999, when the ombudsman's office began operating, to March 2000, 35 complaints were registered.

Children.—The Government demonstrates its commitment to children's rights and welfare through a system of public education and medical care. The Government provides compulsory, free, and universal primary school education for children through the age of 15 or 9th grade. The Government provides low-cost health care for all children. A special office in the Ministry of Social Security and Labor oversees implementation of the Government's program for children, and an ombudsperson for children was established during the year.

The Ministries of Social Security and Labor and of the Interior share official responsibility for the protection of children's rights and welfare. By the end of April 1999, the Minister of Justice had appointed 85 judges in the district courts for hearings in juvenile criminal cases and cases related to children's rights (adoption and paternity matters). Starting in 1994, the Children's Rights Office of the Ministry of Social Security and Labor (also known as the Children's Rights Protection Council) began to take on many of the functions formerly handled by the Interior Ministry and its police officers throughout the country, thereby focusing more attention on the social welfare needs of children. As of January 2000, the service identified 36,856 children in abusive and dysfunctional families, a 44 percent increase compared with 1995. The number of such families grew by 65 percent over the same period.

The ombudsperson's office for children, established in November, is taking over most of the functions of the Children's Rights Protection Council. In August an adoption service at the Ministry of Social Security and Labor was established to oversee implementation of the 1993 Hague Adoption Convention. The Office of Family and Children at the Ministry of Social Security and Labor formulates and implements the Government's program for family and children.

Child abuse is a problem. Child abuse in connection with alcohol abuse by parents is a serious problem. The prevalence of authoritarian values in family upbringing has discouraged more active measures against child abuse; however, the press has reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and murder. Authorities reported that two children were killed by their parents in 1998; however, the media widely reported on five cases during the year. The penalties for violence and cruel behavior against underage persons were made stricter in 1999, providing for imprisonment terms of from 1 to 2 years. No department or organization collects information on child abuse.

There is one rehabilitation center in the country for children who have been abused sexually. The Penal Code provides for terms of up to 3 year's imprisonment for sexual abuse and from 1 to 4 years' imprisonment for exploiting children in the production of pornography. There is no official data on the exploitation of children in pornography cases.

Trafficking in girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

People with Disabilities.—The 1991 Law on Integrating Disabled People provides for a broad category of rights and public benefits to which disabled people are entitled legally. Legal provisions for access to buildings for the disabled are in place but are not enforced widely; the vast majority of public buildings remain inaccessible to the disabled.

In 1999 there were 544,674 adults and 13,276 children with disabilities. The latest data available shows that in 1998 spending for disabled persons was \$166 million (666.58 million litas) or 1.55 percent of GDP, with various assistance programs being implemented. A project in Kaunas to build an apartment building for persons with disabilities has not been finished due to a lack of funds and the pending privatization of the state institution that was to have supervised the project. A center for deaf children and a program for children with special orthopedic problems have been in effect since 1997.

Religious Minorities.—A certain level of anti-Semitic sentiment persists in the country, reflected in sporadic public incidents of anti-Semitism and sensationalist exploitation of anti-Semitism for commercial gain. In November the Prosecutor General launched an official criminal investigation into anti-Semitic articles published on October 18 in the national daily newspaper *Lietuvos Aidas* (circulation 10,000). The President, Prime Minister, and the journalists' union publicly condemned the articles. The Penal Code provides for a sentence of from 2 to 10 years' imprisonment

for incitement of racial or national hatred or incitement of violence against foreigners. The investigation continued at year's end.

National/Racial/Ethnic Minorities.—Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—make up roughly 20 percent of the population. Members of the Polish Parliament criticized the Government in February over alleged discrimination against the Polish minority.

Many nonethnic Lithuanian public sector employees by law were required to attain a functional knowledge of the Lithuanian language within several years, although the authorities have been granting liberal extensions of the time frame in which this competence is to be achieved. In the first half of the year, 223 persons took the language portion of the citizenship test, and 209 persons passed. From January to August, 352 persons were naturalized (compared with 567 in 1999 and 550 in 1998). There is no documented evidence of job dismissals based on the language law. The authorities have indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they have asserted that no one would be dismissed solely because of an inability to meet the language requirements.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the 1991 Law on Trade Unions recognize the right of workers and employees to form and join trade unions. The Law on Trade Unions formally extends this right to employees of the police and the armed forces, although the Collective Agreements Law of 1991 does not allow collective bargaining by government employees involved in law enforcement and security-related work.

In 1990 the Lithuanian branch of the Soviet Union's All-Union Central Council of Trade Unions, which includes 23 of 25 trade unions, renamed itself the Confederation of Free Trade Unions (CFTU) and began asserting increased independence from its Soviet parent organization. In 1993 the CFTU joined eight other unions that also had been part of the All-Union Central Council to form the Lithuanian Trade Union Center (LTUC).

Four major trade union associations work within the trilateral commission, which is composed of representatives of the Government, trade unions, and employers' organizations: The LTUC (110,000 members as of June 2000), the Lithuanian Workers' Union or LWU (52,000 members), the Association of Lithuanian Trade Unions (41,650 members), and the Lithuanian Work Federation (over 15,000 members).

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not do so. No major strikes took place during the year; 56 other labor actions occurred during the first 8 months of the year.

There are no restrictions on unions affiliating with international trade unions.

b. The Right to Organize and Bargain Collectively.—The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees, although several provisions reportedly hinder the establishment of new unions. Probably as a result of the discrediting of labor unions during the Soviet period, only 10 percent of enterprises have trade unions. Some 10 to 15 percent of the workforce is unionized. Collective negotiations regarding labor relations, including wages, are not very widespread. Workers often present their own case against their employer. Negotiations are more common in enterprises that have trade unions.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Difficulties commonly arise in state enterprises in which employees are represented by more than one union. LWU officials charge that managers in some state enterprises discriminated against LWU organizers and have on occasion dismissed employees in retribution for their trade union activities. The LWU also charged that the judicial system was slow to respond to LWU grievances regarding dismissals from work. LWU representatives claimed that state managers sometimes preferred the CFTU/LTUC over LWU unions as collective bargaining partners.

In general trade union spokesmen said that managers often determine wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government issues periodic decrees that serve as guidelines for state enterprise management in setting wage scales. The LWU and the LTUC engage in direct collective bargaining over wages at the workplace level. Wage decisions increasingly are being made at the enterprise level, although government ministries still retain some control over this sphere in state-owned enterprises. The LWU reports that it supplements its bargaining efforts with active lobbying in government ministries that own enterprises.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced labor by all, including children, and this prohibition generally is observed in practice; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 1.b., 5, and 6.f.). Families of women who are trafficked often believe they have disappeared or been kidnaped.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment of children without parental consent is 16 years; with the written consent of parents, it is 14 years. Complaints about the infringement of child labor regulations generally are referred to local prosecutors who investigate the charges and take legal action to stop violations. Child labor problems appear to be rare.

The Constitution specifically prohibits forced and bonded labor by children, and this prohibition generally is observed in practice; however, girls are trafficked for the purpose of forced prostitution (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—The Constitution provides for every person's right to receive just payment for work.

The legal minimum wage has been stable at \$107.50 (430 litas) per month since December 1999. The minimum wage does not provide a decent standard of living for a worker and family. The average wage in July 2000 was \$275 (1,100 litas) per month, which is a 0.5 percent increase since July 1999. The Council of Ministers and the Ministry of Social Security and Labor periodically adjust the minimum wage. Every 3 months these government bodies must submit their minimum wage proposals to the Seimas, which has the right to approve or revise the minimum wage level. Enforcement of the minimum wage is almost nonexistent, in part because the Government does not want to increase unemployment.

The 40-hour workweek is standard, with a provision for at least one 24-hour rest period. For a majority of the population, living standards remain low. Some 65 percent of the expenditures of the poorest 16 percent of households goes for food, compared with 30 percent for food in the top 10 percent.

The Constitution provides that workers have the right to safe and healthy working conditions. The State Labor Inspection Service implements the Labor Safety Law. From January to July, the Labor Inspection Service received 2,169 complaints and declarations, of which more than 1,458 were found to have merit. Of the complaints, 90.5 percent involved abuses of labor laws while only 9.5 percent dealt with working conditions. The most numerous abuses include illegal employment (working without a written contract), wage arrears, and time off.

In October the Seimas passed amendments to the Law on Safety at Work. The law now complies with European Union directives and outlines clear responsibility of the employer for the safety and health of employees at work. The 1993 Labor Safety Law sets out the rights of workers facing hazardous conditions and provides legal protection for workers who file complaints about such conditions. Workers may remove themselves from hazardous job conditions without losing their jobs.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and girls for the purpose of forced prostitution was a problem. A 1998 law criminalizes trafficking in persons for purposes of sexual abuse: the penalty is 4 to 8 years' imprisonment. There were no prosecutions under this statute during the year.

The country is a source, transit point, and destination for trafficking in women. Women from Belarus, Russia (Kalingrad District), Latvia, and the Lithuanian countryside are trafficked to major cities. Some are trafficked further to Western Europe and elsewhere. Germany, Israel, the Netherlands, Denmark, and Austria are major destinations, based on the figures of women subsequently deported from these countries to Lithuania.

A number of women, some underage, have been enticed or forced into prostitution and sold abroad by organized crime figures. Many are lured by deceptive offers of seemingly innocent jobs such as household helpers, bar dancers, or waitresses. Women also are tricked into prostitution through false marriage advertisements. Their families often are unaware of their predicament and believe that they have disappeared or been kidnaped. However, it is difficult to determine what percentage were enticed or coerced and how many departed voluntarily. Of those returned to Lithuania as deportees, 70 percent reportedly said that they knew what type of work they were going to undertake.

Experts from nongovernmental organizations consider government efforts to prevent trafficking in persons and search for missing persons unsatisfactory. In July the border police were instructed to pay more attention to young persons, particularly females, traveling abroad. Since January statistics on deported persons are being collected. During the first half of the year, 1,618 persons were deported back

to Lithuania. Most of them worked or attempted to work illegally, stayed illegally in other countries, or were turned back at the border. The absolute majority of them are citizens of Lithuania. There are no specific government assistance programs for victims of trafficking; however, the police offer protection for witnesses.

The media report extensively on trafficking in persons. A local nongovernmental organization, the Missing Persons' Families Support Center, received a foreign grant during the year to conduct an awareness campaign on trafficking in persons.

LUXEMBOURG

Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The judiciary is independent.

The Government effectively controls the security apparatus, which consists of the police and gendarmerie.

Luxembourg has a prosperous market economy with active industrial and service sectors. The standard of living and the level of social benefits are high.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

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

Prison conditions meet minimum international standards. The Government permits prison visits by human rights monitors.

From December 1999 to May 2000, 6 inmates committed suicide at the penitentiary in Schressig, which houses 330 inmates. A report commissioned by the Government cited poor management, rampant drug use, and an insufficient number of trained personnel at the prison to cope with the inmates' medical and psychological problems. In October the Minister of Justice appointed a new prison director and allocated \$1.3 million (LUF 60 million) to fund antidrug programs at the penitentiary.

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

Judicial warrants are required by law for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The independent judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. One of the country's three Justices of the Peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two District Courts hears more serious cases. The Youth and Guardianship Court rules on matters concerning the protection of young people.

Defendants are presumed innocent. They have the right to public trials and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor can appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased. In response to a 1995 decision by the European Court of Human Rights, the government established an administrative court system to review citizen challenges to legislation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

The Government failed to act on its 1999 pledge to introduce legislation to reform an 1869 press law that requires journalists to reveal confidential sources, following the 1998 police search of a journalist's office who had alleged corruption on the part of the Interior Minister.

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government respects them in practice. The Government requires and routinely issues permits for public meetings and demonstrations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, but the State pays the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy, and several local governments maintain sectarian religious facilities. The Anglican and Islamic congregations continued to wait for a decision by the Department of Religion regarding requests for government funding made several years ago.

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

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and provides first asylum. The law provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not expel those having a valid claim to refugee status, and there were no reports of the forced return of persons to a country where they feared persecution.

The country has a refugee population of 4,681, some 4,400 of whom come from Montenegro, according to government reports. This number represents more than 1 percent of the total population. In March the Government passed legislation to create a status of temporary protection for refugees and to modify procedures to adjudicate requests for asylum. The Government received some 600 new requests for asylum during the year. Of the 1,800 total asylum requests examined, 100 were approved.

In March the Government enacted a financial assistance program to encourage the voluntary repatriation of refugees to their countries of origin. In April the Government created a service council to assist those refugees wanting to utilize the financial aid program. By August some 280 refugees returned voluntarily to their countries of origin, 5 were forcibly returned to Albania, and 29 were transferred to other European Union member states under the 1993 Dublin Convention.

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

Luxembourg is a multiparty democracy. Suffrage is universal and compulsory for citizens 18 years of age and above, and balloting is secret. National parliamentary elections are held every 5 years.

Women are underrepresented in government and politics, although they are active in political life. Of 60 members of Parliament, 10 are women, as are 4 members of the Cabinet.

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

Human rights groups operate without government restriction. Government officials are cooperative and responsive to their views.

In June the Government established the Consultative Commission on Human Rights. This 22-member independent body acts as a consultant to the Government on human rights issues. The commission can propose measures to the Government to increase the protection and promotion of human rights and also serves as the national correspondent for the Vienna-based European Observatory of Racial and Xenophobic Phenomena.

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

The law prohibits racial, sexual, or social discrimination, and the Government enforces these provisions. Blatant societal discrimination occurs only rarely.

Women.—In 1999 shelters provided refuge to 368 women and 413 children, a slight decrease from 1998 levels. Information offices set up to respond to women in

distress reported that they received 4,364 telephone calls in 1999. The Government funds organizations that provide shelter, counseling, and hot lines. Women enjoy the same property rights as men. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage.

The law mandates equal pay for equal work, and the Ministry for the Promotion of Women has a mandate to encourage a climate of equal treatment and opportunity. However, according to government reports, women are paid 20 to 30 percent less than men for comparable work. The Government cites the interruption in the careers of women caused by childbirth and their maternal roles as one reason for the disparity. To date there have been no work-related discrimination lawsuits. Women constitute 38 percent of the work force.

Children.—The Government demonstrates a strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The law mandates school attendance from the ages of 4 to 16. Schooling is free through the secondary level, and the Government provides some financial assistance for postsecondary education.

In September at the millennium summit of the United Nations, the Government signed two children's rights protocols: The Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, and the Protocol to the Convention on the Rights of the Child Concerning the Implications of Armed Conflict.

There is no societal pattern of abuse of children. A physicians' organization estimates that approximately 200 cases of child abuse are treated in hospitals each year that result in legal proceedings. This group is working to reform judicial procedures to permit videotaped testimony in court proceedings and the testimony of child psychiatrists, as well as the coordination of hospital records in child abuse cases. In May the Government set up a hot line for young persons in distress; by the end of the year it had received 183 calls.

In 1999 the Government passed a comprehensive new law dealing with the sexual exploitation of children. The law increased penalties for adults who traffic in children, facilitate child prostitution, or exploit children through pornography. The law also extended the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such trafficking was reported during the year.

People with Disabilities.—The law prohibits discrimination against people with disabilities in employment, education, and the provision of other state services. The law does not directly mandate accessibility for the disabled, but the Government pays subsidies to builders to construct "disabled-friendly" structures. Despite government incentives, only a modest proportion of buildings and public transportation are modified to accommodate people with disabilities.

The Government helps disabled persons obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring disabled workers and must pay them prevailing wages. The quotas are fixed according to the total number of employees; employers who do not fulfill them are subject to sizable monthly fines. The Government provides subsidies and tax breaks for employers who hire the disabled. There have been no known complaints of noncompliance with the disability laws.

Despite strong legal protections, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons are not applied or enforced consistently, and there is a particular problem in the case of persons with mental disabilities. The Government was reviewing the effectiveness of the disability legislation, particularly the provisions that establish quotas, at year's end.

Section 6. Worker Rights

a. The Right of Association.—All workers have the right to associate freely and choose their representatives. About 57 percent of the working population belongs to a trade union. Membership is not mandatory. Unions operate free of governmental interference. The two largest labor federations are linked to, but organized independently of, major political parties. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

The Constitution provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government's National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal. No strikes, legal or illegal, occurred during the year.

Unions maintain unrestricted contact with international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for and protects collective bargaining, which is conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more em-

employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The law provides for the adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal can fine an employer found guilty of antiunion discrimination, but it cannot require the employer to reinstate a worker fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor by children and adults, and it is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16 and requires all children to remain in school until the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitor the enforcement of child labor and education laws.

e. Acceptable Conditions of Work.—The law provides for minimum wage rates that vary according to the worker's age and number of dependents. The minimum wage for a single worker over the age of 18 is \$6.34 (LUF 285) per hour. Supporting a family is difficult on the minimum wage, but most employees earn more than the minimum.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Employment on Sunday is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries have requested permission for Sunday work, which the government grants on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage; employees must be given compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers receive at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provides severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carry out their inspections effectively.

No laws or regulations specifically provide workers the right to remove themselves from dangerous work situations without jeopardy to continued employment, but every worker has the right to ask the Labor Inspectorate to make a determination, and the inspectorate usually does so expeditiously.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, within, or through the country. In August the Ministry of Labor denied allegations made by a European Parliament Deputy that Luxembourg is a "turntable" for trafficking in women. The Deputy's report stated that the Government grants limited entry visas to Eastern and Central European women to work as performers in cabarets. The Ministry said that it issued 146 limited visas during the year to women who had received job offers as janitors, hairdressers, and other similar positions.

MACEDONIA, FORMER YUGOSLAV REPUBLIC OF

Macedonia, which became independent in 1991 following the breakup of Yugoslavia, is a parliamentary democracy led by a coalition government. It has a popularly elected president. In multiparty parliamentary elections held in October and November 1998, opposition parties defeated parties of the governing coalition in voting that international observers concluded was conducted fairly and reflected the will of the electorate. International observers considered the conduct of the first round of voting for president on October 31, 1999, to be satisfactory; however, there were allegations of fraud and ballot stuffing in the second round on November 14, and the Supreme Court ordered another vote in most of the country's ethnic Albanian polling stations, which was conducted on December 5. That final round also

was marred by irregularities; however, international observers concluded that these likely did not affect the final outcome and resulted in the election of President Boris Trajkovski. The judiciary is generally independent, although at times inefficient.

The Ministry of Interior oversees the uniformed police, criminal police, border police, and the state intelligence service. Municipal police chiefs are responsible to the Ministry of Interior, not to municipal leaders. The Ministry is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense shares with the border police responsibility for border security. Some members of the police occasionally committed human rights abuses.

The economy is in transition from Yugoslav-style communism to a market-based system. Most firms are privatized, large money-losing state enterprises are being restructured, and inflation has remained below 4 percent in recent years. However, during the year, the transitive effects of introducing a new Value Added Tax system, coupled with a year-end surge in fuel prices, caused inflation to reach about 10 percent. The economy improved substantially after the lifting of the Greek embargo and the suspension of international sanctions against Serbia, both in 1995, before which the gross domestic product (GDP) had fallen an estimated 50 percent. Growth resumed slowly in 1996 and continued at about a 5 percent rate until the outbreak of the Kosovo crisis in the spring of 1999. The crisis cut many firms off from customers in Serbia and made the transportation of goods to and from other parts of Europe more difficult and expensive. The overall economic effects of the Kosovo crisis were quite negative, but the local and regional influx of international funds related to humanitarian efforts and the NATO Kosovo Force (KFOR) mission has helped stem the economic decline and generated positive growth. The economy made broad-based gains during the year, and GDP grew about 6 percent. Unemployment was high; the gray economy was large. Some workers received their pay weeks or months late.

The Government generally respected the human rights of its citizens; however, serious problems remained in several areas. Police were accused of extrajudicial killings involving at least two deaths of detainees in custody, and the Government took inadequate steps to clarify the circumstances or discipline responsible officers. Police on occasion abused suspects and prisoners, in particular Roma and ethnic Albanians. Arbitrary arrest and detention were problems. The Government was working to end the practice of police compelling citizens to appear for questioning, pursuant to a 1997 law; however, incidents involving the use of such practices still occurred. Another 1997 law imposes some limitations on religious practices. The Government took inadequate measures to ensure the security of the electoral process during nationwide local elections, resulting in incidents of violence and procedural problems that were strongly criticized by the OSCE. Societal discrimination against minorities, including Roma, ethnic Albanians, ethnic Turks, and ethnic Serbs, was a problem. Ethnic minorities continued to make progress in securing more representation in Government and politics, although ethnic Macedonians still hold a disproportionately high number of positions. Violence and discrimination against women remained problems; trafficking in women and girls for prostitution was also a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, there were credible reports of at least two deaths in police custody. An ethnic Albanian suspected of involvement in the January 11 murder of three police officers died under suspicious circumstances while in police custody in January. The official report stated that the suspect died of a drug overdose, but friends and family members who saw the body before the burial charged that he was shot. No autopsy report has been made public. A second ethnic Albanian suspect died in police custody in February after his arrest for theft. Authorities reported his death to be a suicide, but his family claimed that he died due to injuries received while being questioned. On May 14, an ethnic Albanian man died in a Skopje prison. The Government did not take adequate steps to investigate, to inform the public, or to discipline the responsible officers in any of these cases. During a December 1998 police raid on the home of an ethnic Albanian suspect believed to have stockpiled illegal arms, the suspect's father was killed by police gunfire. A government inquiry cleared the police of any wrongdoing, but the incident remained controversial.

b. Disappearance.—There were no reports of politically motivated disappearances attributed to government agents.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such treatment and punishment; however, police occasionally used excessive force during the apprehension of criminal suspects, and they occasionally abused prisoners, especially members of ethnic minorities.

Following the killing of three police officers outside Aracinovo on January 11, police beat numerous ethnic Albanian residents, destroyed property, and used tear gas in raids. One of the three suspects arrested in connection with the killings died in police custody (see Section 1.a.). Human Rights Watch reported that nine other suspects were arrested and beaten in custody and that some were forced to sign confessions. An investigation by the Office of the Ombudsman found that the police had used excessive force in Aracinovo and recommended an internal investigation. Although some families were compensated for damage to their property, the Government did little to address police abuse in the wake of the incident.

There are credible reports of occasional police violence against Roma, including beatings during arrest and while in detention. Roma rights organizations also complained of police harassment of Roma and accused the police of reinforcing patterns of societal discrimination by consistently siding with ethnic Macedonian citizens in any disputes involving Roma.

On April 21, police reportedly beat an “Egyptian” couple (the country’s Egyptians consider themselves distinct from Roma) near Ohrid at a traffic stop. The husband, a taxi driver, was arrested for not presenting the necessary permits, although he later claimed that he had presented them. Police allegedly beat the man in custody and kept him in jail for 8 days. According to the European Roma Rights Center (ERRC), a police officer reportedly beat a 20-year-old Romani man with a truncheon at the police station in Stip on January 9. Police reportedly beat a 16-year-old Romani boy in the village of Krivolak on May 14. Police officers and non-Romani civilians reportedly attacked and severely beat six Romani men in Stip on May 26.

The vast majority of Kosovar refugees returned to Kosovo during the second half of 1999; most of those who remain are Roma. Several thousand Roma refugees are housed in collective centers or in private accommodations. According to the ERRC, the police allegedly beat and detained a Romani refugee from Kosovo on September 10. In October the Roma residents of the Suto Orizari collective center began a series of protests over the food served to them. The World Food Program (WFP) inspected the facility and reviewed the food situation; WFP concluded that the water system at the center was barely adequate and needed improvements, but that the food rations given to refugees were up to international standards.

There were three attacks on police stations during the year. On February 2, a bomb exploded in front of the Directorate of Interior in Kumanovo. No one was reported injured in the explosion.

There were some incidents of violence during the September elections. Police beat an opposition supporter; several police officers were suspended pending an investigation. There were a few shootings by members of political parties. In another incident, a Member of Parliament fired into a crowd of demonstrators (see Section 3).

Prison conditions meet minimum international standards; however, there were two deaths in custody. Prisons meet basic needs of food, hygiene, and access to medical care. Men and women are held separately. While juveniles are also supposed to be held separately, limited facilities sometimes result in older juveniles being confined with adults.

The Government permits prison visits by human rights monitors and the Human Rights Ombudsman. The Government agreed to allow the International Committee of the Red Cross (ICRC) to visit prisons under procedures which the ICRC finds acceptable, but has not yet agreed to commit to those procedures in a binding, written agreement with the ICRC.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution states that a person must be arraigned in court within 24 hours of arrest. The maximum length of pre-trial detention was increased in 1998 from 90 to 180 days by constitutional amendment. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. Arbitrary arrest and detention are problems. Although the law requires warrants for arrests, this provision frequently is ignored, and it is not uncommon for a warrant to be issued some time after an arrest. According to human rights observers and criminal defense attorneys, police sometimes violate the 24-hour time period within which a suspect must be arraigned and deny immediate access to an attorney.

The Government has not yet ended completely the practice of police compelling citizens to appear at police stations through an “invitation” for “informative talks.” Although a law on criminal procedures was passed in 1997 that states that police cannot force citizens to appear for these sessions without presentation of a court order, the practice continued to be applied on occasion. Roma rights organizations

accuse the police of arbitrarily arresting and detaining Roma, and there are credible reports of such police actions.

The police continued a pattern of selective enforcement of various laws and regulations against individuals and businesses linked with the political opposition. The police initiated a series of raids on businesses in 1999, seized records, and briefly detained some 20 enterprise directors and officers to question them on charges of corruption and failure to pay taxes. Almost all of the individuals who were questioned or whose offices were raided were connected to opposition political parties, and the raids were widely viewed as having been politically motivated. The Government publicly defended itself against media criticism of its actions by releasing information on the alleged crimes under investigation, but no charges were ever brought against the subjects of the raids. During the year several opposition-oriented media outlets and other firms were the subject of tax inquiries; in one case official action was initiated to tear down an illegally constructed building erected by an opposition-oriented media owner (see Section 2.a.). The authorities defended their actions as being based upon law, but the individuals and firms involved noted that while tax and construction offenses are very common, the Government appeared to take enforcement actions mostly against entities linked to the opposition. A similar police raid in December 1999 against the director of a company involved in a dispute with the Government resulted in a media outcry and the suspension by the Ministry of Interior of the local chief of police who conducted the operation.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice, although the court system is still developing and is sometimes inefficient and slow.

The court system is three tiered and comprises municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation.

The Constitutional Court has a mandate to protect the human rights of citizens but has not taken action in any case in this area. In addition the Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates. The Office of the People's Ombudsman was created and became functional in 1997 (see Section 4).

Trials are presided over by judges appointed by the Republican Judicial Council (an independent agency) and confirmed by Parliament. The judges are assisted by two members of the community who serve essentially as consulting jurors, although the judge makes the final decision. Court hearings and the rendering of verdicts are open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant is of concern. Trials cannot be televised, pursuant to the Criminal Procedure Code, although the court in certain cases can authorize the presence of television and film cameras.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and government authorities generally respect these prohibitions. Opposition political leaders accused the Government of wire-tapping their telephones and released some transcripts of telephone conversations from late in the year that they claimed proved the truth of their charges. An investigation into the charges is underway.

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.

Several daily newspapers are published in Skopje, as well as numerous weekly or periodical political and other publications. Most towns and municipalities have local newspapers. Government-subsidized newspapers in the Albanian and Turkish languages are published and distributed nationally by the leading news publishing house. The Government subsidizes some other newspapers and magazines. The process of granting media subsidies is not transparent, leading to charges of political bias in government support for the independent media. Several privately owned publications have a wide distribution throughout the country, and some are considered to be oriented toward opposition political parties. The media that remain partially state owned are government oriented but report on opposition press conferences and statements and in general provide coverage of the major opposition parties. The leading newspaper publisher is still partially government owned and controls one of only two modern, high-speed printing facilities in the country, as well as many newspaper kiosks. Following the parliamentary elections in late 1998, influence over this publisher passed to the new Government. International monitors noted that the media provided generally unbiased coverage of the full spectrum of

political debate. However, media outlets often reflected the views of one or another political party.

Distributors of foreign newspapers and magazines must obtain the permission of the Ministry of Interior. All such requests during the year were approved. Media reports indicated that one edition of the Albanian newspaper *Bota Sot* was confiscated in Gostivar and Tetovo because it contained articles critical of the leadership of the Democratic Party of Albanians (DPA). The party denied any involvement and quickly arranged for the articles in question to be reprinted and run in the local Albanian language newspapers. Foreign newspapers, including those from neighboring countries, are available throughout the country.

State-run radio and television is in countrywide competition with two private television stations and one private radio station that are licensed to broadcast nationally. The state broadcast media also face the competition of dozens of small independent local radio and television stations throughout the country. The Broadcast Council issues licenses to broadcasters, in a process that international observers consider generally meets international norms. License fees collected from private broadcasters are supposed to help subsidize the state-run system, but collections are inconsistent. Dozens of illegal, "pirate" radio and television stations operate without licenses and pay no fees.

Individuals and opposition political groups criticize the Government, but during the year media complaints arose over alleged intimidation of newspapers and television companies critical of the Government. The intimidation took the form of law enforcement action against the media companies and their financial backers in areas such as tax collection and checks of building permits, areas in which there is widespread noncompliance among private companies. One notable case involved the Government's order to tear down a building belonging to the owner of an opposition-oriented media company because of a supposed failure to obtain the proper building permit. The Government eventually reversed its order, but the incident left the impression that officials were selectively enforcing laws in an effort to control the behavior of the media (see Section 1.d.).

On May 12, the Government introduced a draft law on information to replace existing regulations from the Communist era. Local journalists and international press groups criticized the draft law and provisions that would require local journalists to obtain government-issued press accreditation. The law remained pending at year's end.

The Government respects academic freedom. Because government-recognized higher education is not yet available in the Albanian language (except for teacher training), some ethnic Albanians claim that they do not have complete academic freedom. They want to see the currently unauthorized Albanian-language Tetovo University gain legal status, or a new accredited private institution to be established, so that they can study in their native language at the university level (see Section 5).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Advance notification of large meetings is optional; political and protest rallies occur regularly without major incident. Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups (see Section 2.c.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties and organizations are required to register with a court. More than 40 political parties are registered, including ethnically based parties of Albanians, Turks, Serbs, and Roma.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. However, the 1997 Law on Religious Communities and Groups limits some aspects of religious practice, although the law does not appear to be enforced consistently. While the Macedonian Orthodox Church is mentioned by name in the Constitution, it does not enjoy official status.

The 1997 Law on Religious Communities and Groups designates the Macedonian Orthodox Church, the Islamic community, and the Roman Catholic Church as "religious communities," while all other religions are designated "religious groups." However, despite the difference in designation, there is no legal difference between the two categories.

The law places some limitations on religious practices. For example, only a citizen may found a religious group. The law also stipulates that anyone carrying out religious work be registered with the Government's Commission on Religious Communities and Groups.

The Government requires that religious groups be registered. The 1997 Law on Religious Communities and Religious Groups contained a number of specific re-

quirements for the registration of religious groups that were struck down by the Constitutional Court in 1999. Subsequently there was considerable confusion over which procedures still applied, and several foreign religious groups experienced delays in their efforts to register. During the year, the Government acted to make the remaining requirements more transparent, but the process remained slow and cumbersome. At least one international Protestant church was granted legal registration, and several others are at some stage of the process. One Islamic group withdrew its 1998 application for registration but continues to operate openly without taking further steps toward legal registration, and the Government has not taken any enforcement actions against the group. The Government no longer keeps a count of registered religious groups and communities.

Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups.

The refusal of the Serbian Orthodox Church to recognize the self-proclaimed Macedonian Orthodox Church has led to difficulties for ethnic Serbs who wish to worship in their own church. On several occasions in 1998 the Government refused Serbian Orthodox priests permission to enter the country because of the recognition issue. No Serbian Orthodox priests attempted to enter the country for religious purposes during the year. In December 1999 a delegation from the Macedonian Orthodox Church traveled to Istanbul to consult with Orthodox leaders on ways to end the impasse with the Serbian Orthodox Church.

On March 10, the Jewish community of Skopje inaugurated a new synagogue. The Government supported the opening of the synagogue; the mayor of Skopje and former President Gligorov attended the events.

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

Citizenship in the old Yugoslav system was national, but all records and processing were at the level of the individual republics, so some residents at the time of independence had Yugoslav citizenship that became citizenship in other newly independent former republics. During the first year of independence, beginning with the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence (of any duration) in the republic could acquire citizenship by simple application. The Law on Citizenship adopted in November 1992 established new procedures for conferring citizenship, and under its transitional provisions citizenship was granted essentially automatically to any legal resident who applied before November 1993. Despite this 2-year window of opportunity for residents to become citizens by simple application, several thousand residents did not regularize their status before November 1993. Some of these persons, and others who arrived in the country later, have complained that the provisions of the Law on Citizenship that followed the transition period are too restrictive and have prevented them from obtaining citizenship. For example, after the transition period the law required applicants for naturalization to have 15 years of residency. The law also affects many Roma who wish to become citizens, particularly with regard to difficulties they encountered in establishing residence and meeting requirements of a regular income. During 1999 the 15-year residence requirement was lowered to 10 years, in conformity with the Council of Europe Convention on Citizenship, but the enabling legislation needed to fully implement the change still was not completed. New procedures instituted in 1998 have made the citizenship application process considerably more transparent; the Macedonian Helsinki Committee has full access to all files, and the office within the Ministry of Interior that processes the cases works closely with the U.N. High Commissioner for Refugees (UNHCR) and with the Organization for Security and Cooperation in Europe (OSCE) mission in Skopje. A total of 2,124,599 citizens have established their status since independence; since the end of the early procedures for gaining citizenship, 140,495 individuals have applied through the Ministry of Interior, and about 96 percent of those applications have been approved. About 2,000 new applications for citizenship are received annually by the Ministry of Interior.

During the 1999 crisis, over 360,000 Kosovars found refuge in Macedonia. Following the conclusion of the crisis, the great majority of those refugees still in the country returned to Kosovo; the exception were the Roma, who feared returning because of dramatically deteriorated relations with the ethnic Albanian Kosovars. During the year, the overall number of refugees continued to decrease, and at year's end only 7,600 registered refugees remained. In addition officials estimate that about another 2,000 unregistered individuals remain. Of the registered refugees, approximately 60 percent are Roma. The largest number of registered Roma refugees (about 1,200) reside in the Suto Orizani collective center. Roma also reside in collec-

tive centers at Dare Bombol, Llubanci, Saraj, and Struga. Ethnic Albanian refugees all reside at the Radusa collective center. In all only about 2,100 of the total registered refugee population reside in centers; however, the remaining 5,500 live with host families or in rental accommodations. During the year there were several Roma protests about living conditions and food at the collective centers, although international donors and administrators judge conditions to meet generally accepted standards.

Continued tensions in the Presevo region of southern Serbia also generated potential for refugee flows during the year, but by year's end only a small number of Presevo residents had chosen to come to Macedonia; they did not enter as refugees, but rather as temporary visitors.

Macedonia provides first asylum, and there were no reports of persons being returned to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country's third parliamentary elections were held in October and November 1998 and resulted in an opposition victory and a peaceful change of government. The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that produces a majority in the Parliament. The Prime Minister and the other Ministers may not be Members of Parliament. The Prime Minister is formally appointed by the President, who is head of state, Chairman of the Security Council, and commander in chief of the armed forces.

The Government was accused by opposition leaders and the media of harassing members of the opposition prior to the presidential elections held in October 1999. In the summer of 1999, police conducted a number of raids on businesses and charged some 20 enterprise directors with corruption and failure to pay taxes. Almost all of the enterprise directors singled out for this treatment belonged to an opposition party (see Section 1.d.).

On October 31, 1999, the first round of balloting in the presidential election was held. There were six candidates on the ballot, representing every major political party, including both ethnic Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the candidates who received the most votes advanced to the second round. The ruling VMRO (Internal Macedonian Revolutionary Organization) candidate Trajkovski gained the majority of the votes cast in round two on November 14, but the opposition SDSM (Social Democratic Alliance of Macedonia) candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country in the second round, and the Supreme Court ruled that round two should be rerun in 230 polling precincts, all of which were predominantly ethnic Albanian. The voting held on December 5, 1999, was as flawed as the previous round, according to international monitors, who reported numerous incidents of ballot stuffing and other problems in some polling stations. Trajkovski again gained the majority of votes cast, and the SDSM filed a list of complaints of irregularities. Claiming that the Government was incapable of conducting a fair vote in the contested precincts, the SDSM later withdrew those complaints and did not press for another repeat of the voting. President Trajkovski was sworn into office on December 15, 1999.

Nationwide local elections held in September drew OSCE and other international criticism due to poor organization, sporadic violence, and voting irregularities. While the voting was calm and orderly in most of the country, serious incidents of violence caused the polls to be closed in several municipalities. Irregularities and intimidation in other areas further marred the process. The worst election day problems included some blatant cases of ballot stuffing, some smashing of ballot boxes, incidents of unauthorized persons being present at polling stations in an intimidating manner, and shooting incidents in Debar and Ohrid that left four persons wounded. In Debar a Democratic Party of Albania (DPA) activist shot a Party for Democratic Prosperity (PDP) activist on September 10, although investigators concluded that the incident was personally—rather than politically—motivated. In Ohrid two opposition members belonging to the SDSM were shot, one in the head, causing serious injury. Several arrests were made in these cases, and charges were brought against individuals who had been identified as participants in violent acts; however, in several cases the perpetrators remained unknown at year's end. These problems caused the elections to be rerun in several areas, and the Government did not act decisively to prevent some repetition of the same difficulties during the reruns. During the campaign period, six Members of Parliament (M.P.'s) from the ruling party defected

to an opposition party, and their homes were surrounded briefly by crowds of angry party loyalists; some property damage occurred before police moved to protect the homes. Following an incident in which an opposition supporter was beaten by police during the campaign, several police officers were suspended pending an investigation. In Skopje approximately 200 demonstrators threatened a Member of Parliament at his home; in response he fired several pistol shots into the crowd, lightly injuring two persons. The police, slow to respond to the initial disturbance, later charged the M.P. with illegal use of a firearm. A local NGO reported the alleged beating of a group of Roma in the town of Strumica on September 24, the day of the second round of the local elections. Non-Romani men allegedly beat Roma in the street with their fists and rubber truncheons. Many electoral difficulties were judged by international observers to have resulted from a weak and ambiguous Law on Local Elections, and they criticized the State Electoral Committee for not acting to anticipate or overcome those weaknesses.

Although no formal restrictions exist on the participation of women in politics and government, they are severely underrepresented in these areas. The Government has two female ministers. In the Parliament, 9 of 120 members are women, an increase from 4 women in the previous Parliament. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect disenfranchised due to the practice of family/proxy voting through which men vote on behalf of the women in their families (see Section 5).

A number of political parties represent the interests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma. Two ethnic Albanian parties and the Roma party have members in the Parliament; the ruling government coalition includes one of the two major ethnic Albanian parties, as well as the Romani party. The Parliament includes 25 ethnic Albanian members, 1 Macedonian Muslim, 1 Rom, and a small number of Vlachs. Minorities nonetheless maintain that political structures continue to be biased against them. Partly to address these concerns, the electoral law includes elements of proportional representation. A total of 35 of the 120 parliamentary members are chosen on the basis of proportionality, while the other 85 members are elected in single-member districts. Some ethnic Albanians and Roma complain that discrimination against them in citizenship decisions effectively disenfranchises them (see Section 2.d.).

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

The Government generally is responsive to the concerns of human rights groups. Human rights groups and ethnic community representatives meet freely with foreign representatives without government interference. Several independent forums for human rights exist and operate freely, but their activities have not been prominent.

The Office of the Ombudsman, established in 1997, is active; however, most complaints filed with the office do not relate to human rights issues.

The Government allows independent missions by foreign observers. The Kosovo crisis led many international NGO's to establish new offices in the country, staffed by scores of international workers; many of these organizations have a strong interest in human rights issues. The Government generally has been cooperative in its dealings with these and other international organizations concerning such issues.

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

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political or religious beliefs, property, or social status. However, societal discrimination against ethnic minorities and the protection of women's rights remain problems.

Women.—Violence against women, especially in the family setting, is a persistent and common problem. Criminal procedures are available to victims of rape, including limited legal recourse in the case of marital rape. Cultural norms discourage the reporting of such violence, and criminal charges on grounds of domestic violence are very rare. Public concern about violence against women is not evident in the media, although some women's groups are working to raise awareness of the issue. Shelters for victims of spousal abuse are operated by NGO's. A hot line remains open but has limited hours. The Government offers some limited support for victims of domestic violence, but relies heavily on international donor support to maintain a hot line and shelter.

Trafficking in women and girls for prostitution and pornography is a growing problem (see Section 6.f.). Traffickers have recruited women and girls from other

countries, especially Bulgaria, Moldova, Romania, and Ukraine, to work as prostitutes in several towns (see Section 6.c. and 6.f.).

Sexual harassment of women in the workplace is a problem, but no statistics are available to indicate its scope. Maternity benefits include 9-months' paid leave, and benefits are received in practice. Women also retain the right to return to their jobs for 2 years after giving birth.

The Constitution provides that women possess the same legal rights as men. Macedonian society, in both the Muslim and Christian communities, is strongly patriarchal, and the advancement of women into nontraditional roles is limited. Women are underrepresented severely in the higher levels of the private sector, although some professional women are prominent. Women from some parts of the ethnic Albanian community do not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society. In Muslim communities, especially among more traditional ethnic Albanians, some women are in effect disenfranchised due to the practice of family/proxy voting through which men vote on behalf of the women in their families (see Section 3).

Women's advocacy groups include the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women.

Children.—The Government is committed to the rights and welfare of children; however, in some areas it is limited by resource constraints. Education is compulsory through the eighth grade, or to the age of 15 or 16. At both the primary and secondary levels, girls in some ethnic Albanian communities are underrepresented in schools. The Ministry of Education encourages ethnic minority students, especially girls, to enroll in secondary schools. Secondary education is free to all. Medical care for children is adequate but is hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

Trafficking in girls for prostitution and pornography is a growing problem (see Section 6.f.).

There is no societal pattern of abuse against children.

People with Disabilities.—Social programs to meet the needs of the disabled exist to the extent that government resources allow. Discrimination on the basis of disability is forbidden by law; however, in practice this mandate is not enforced. No laws or regulations mandate accessibility to buildings for disabled persons.

National/Racial/Ethnic Minorities.—The population of 2.2 million is composed of a variety of national and ethnic groups, mainly Macedonians, Albanians, Turks, Roma, Serbs, and Vlachs. All citizens are equal under the law. The Constitution provides for the protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school and the official use of ethnic minority languages in areas where ethnic minorities make up a majority of the population.

Ethnic tensions and prejudices are present in society. The Government is committed to a policy of peaceful integration of all ethnic groups into society but faces political resistance and continued popular prejudices regarding the means to achieve this goal (hiring quotas, affirmative action in school admissions, education in minority languages, etc.).

Representatives of the ethnic Albanian community, by far the largest minority group with 23 percent of the population according to government statistics, are the most vocal in charging discrimination. The underrepresentation of ethnic Albanians in the military and police is a major grievance in the community. Despite government efforts to recruit more ethnic Albanians, the police force remains overwhelmingly Slavic Macedonian, even in areas where the ethnic Albanian population is large. Members of ethnic minorities constitute 8.7 percent of the law enforcement officers of the Ministry of the Interior; in the primarily ethnic Albanian cities of Tetovo and Gostivar the respective figures are 17 percent and 12 percent. To raise the percentage of ethnic minority police officers, the Government for several years has set a recruiting quota of 22 percent for enrolling minority students at the police secondary school. Attrition has kept the graduating classes from retaining that percentage of ethnic minorities.

The military continues efforts to recruit and retain minority officers and cadets. The military is composed mostly of short-service conscripts, drawn from all ethnic groups. The proportion of ethnic Albanians in the ranks is estimated to be about 25 percent, but the proportion is significantly lower in the officer corps. Minorities constitute about 12 percent of the total of officers, noncommissioned officers, and professional soldiers; about 15 percent of the cadets at the military academy are from ethnic minorities. Ethnic minorities constitute about 11 percent of Ministry of Defense civilian employees. The Deputy Minister of Defense and 2 of a total of 10 general officers are ethnic Albanians.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities. Primary education is available in Macedonian, Albanian, Turkish, and Serbian. Albanian-language education is a crucial issue for the ethnic Albanian community; it is seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children receive 8 years of education in Albanian-language schools. The number of ethnic minority students who receive secondary education in their native languages is increasing and was about 15 percent in 1999, up from 14 percent in 1998. However, only about half of ethnic minority students go on to high school, partly because of the lack of available classes in minority languages at the secondary level and partly because the traditional nature of parts of Albanian society leads many families in rural areas to see no need to educate their children, particularly girls, beyond the eighth grade.

At the university level, ethnic minorities are underrepresented, but there has been much progress in increasing the number of ethnic minority applicants and students since independence in 1991. There are eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of entering places, although the quota has not always been filled. In 1991 302 ethnic minority students attended university; in 1998 1,073 attended, representing about 16 percent of all university students; no updated figures were available for the year. Most university education is conducted in the Macedonian language; there is Albanian-language university education only for students at Skopje University's teacher training faculty, for students studying to be teachers at Albanian-language primary and secondary schools. An obstacle to increasing university attendance of ethnic Albanians and Roma, especially for girls, is their low but slowly increasing enrollment in secondary education.

In July the Government adopted legislation to address longstanding demands by ethnic Albanians for university-level courses taught in the Albanian language with the passage of a new Law on Higher Education. The new law authorizes private institutions of higher learning and, under an OSCE sponsored plan, a new internationally funded institution is being created which would be designed to conduct classes in Albanian, English, and Macedonian, with initial funding coming from foreign donors. Plans have been made for construction to begin early in 2001. This legislation was designed to resolve the question of Tetovo University, a private Albanian-language institution that the authorities declined to accredit but tacitly allowed to function. The new, internationally funded institution would allow ethnic Albanians to study in their own language; however, courses in Macedonian must also be provided in at least two subjects. The law received the support of the Albanian party in the ruling government coalition; however, many ethnic Albanians, who favor recognition and funding of Tetovo University, did not support the new institution.

The new Government met one major demand of the ethnic Albanian community in 1999 by agreeing to change the 15-year residence requirement for naturalization to 10 years (see Section 2.d.); however, enabling legislation still is pending to complete that change. The new Government has continued previous governments' rejection of demands for legalizing use of the Albanian language in dealings with the central Government and in the Parliament and for allowing official use of the Albanian flag.

Ethnic Turks, who make up about 4 percent of the population, also complain of governmental, societal, and cultural discrimination. Their main complaints center on Turkish-language education and media. One continuing dispute has been over the desire of parents who consider themselves Turkish to educate their children in Turkish despite the fact that they do not speak Turkish at home. The Education Ministry refuses to provide Turkish-language education for them, noting that the Constitution provides for education in the native languages of minorities, not in foreign languages. Some parents have hired teachers of their own, although this kind of private education is not authorized legally.

Ethnic Serbs, who constitute about 2 percent of the population, also complain about discrimination and their inability to worship freely in the Serbian Orthodox Church (see Section 2.c.).

There were credible reports of occasional police violence and harassment against Roma during the year. Roma rights organizations also complain of police harassment of Roma and accuse the police of reinforcing patterns of societal discrimination by consistently siding with ethnic Macedonian citizens in any disputes involving Roma (see Section 1.c.).

In June five Romani houses in Stip burned under suspicious circumstances; police suspected arson.

Relations between Roma and other citizens were strained during 1999 as a result of dislocations of Roma caused by the Kosovo crisis. According to the 1994 census,

there were 43,700 Roma in the country (2.0 percent of the population). Romani leaders claim that the 1994 census seriously undercounted the actual number of Roma. There were incidents of societal violence against Roma (see Section 1.c.). In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country. They left not only because of the direct dangers of the conflict, but also because of the hostility of ethnic Albanian Kosovars, who widely consider the Roma to have supported the Serbs and to have committed theft and other crimes against ethnic Albanians during the crisis. The new Roma arrivals initially were sheltered in a refugee camp (about 2,000 persons) and under host family arrangements (about 4,000 persons) that were underwritten by the international relief community. During the year, all of the registered Romani refugees were staying with host families or in collective centers. The presence of these Romani refugees is not popular among ethnic Albanians, who largely share the view of the ethnic Albanian Kosovars concerning both Roma and Serbs. Ethnic Macedonians also express irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequent busy traffic intersections to beg, wash car windows, or sell small items. The Macedonian Roma already tended to occupy the lowest economic position of society, and the new arrivals added to the ranks of the very poor. Optional Romani-language education has been offered at several primary schools since 1996, but there has been limited demand and no pressure for a more extensive curriculum. According to Romani community leaders, up to 10 percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. There is some Romani-language broadcasting.

There are also a number of ethnic Macedonian Muslims and Bosnian Muslims in the country. Some ethnic Macedonian Muslims contend that they are identified too closely with ethnic Albanians, most of whom are also Muslim, and with whose policies the ethnic Macedonian Muslims often disagree.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form trade unions, but this right is restricted for members of the military, police, and civil service. Independent trade unions have been allowed to organize since 1992, when an Association of Independent and Autonomous Unions was formed. However, there is still a national trade union. The Confederation of Trade Unions of Macedonia is the successor organization to the old Communist labor confederation. It maintains the assets of the old unions and is the Government's main negotiating partner on labor issues, along with the Chamber of the Economy. While its officers may tend to oppose strikes because of the legacy of the past, they appear to be genuinely independent of the Government and committed to the interests of the workers they represent.

The total number of strikes during the year was 100 to 150, which included many protest work stoppages of a few hours or less. The reasons for the strikes included demands for overdue pay, workers' objections to government changes in management personnel at some state-owned entities, and objection to various decisions related to privatization. Strikes were generally small and confined to company grounds, although in September 1999 striking workers at a government-owned smelting plant blocked a major highway for several hours, protesting government plans to close the plant if a private purchaser or partner could not be found. Most strikes were calm and well organized and took place without serious incident.

b. The Right to Organize and Bargain Collectively.—The Constitution implicitly recognizes employees' right to bargain collectively, a concept that nonetheless is still in its infancy. Collective bargaining takes place, but in the country's weak economic environment employees have very little practical leverage. Legislation in this area has yet to be passed by Parliament.

An export processing zone is being developed with the advice and financial support of the Taiwanese Government and various Taiwanese businesses. No date has been set for the beginning of operations.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor, including that performed by children; however, trafficking of women and girls for prostitution and pornography is a growing problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The constitutional minimum age for employment is 15 years. Children legally may not work nights or more than 40 hours per week. Education is compulsory through grade eight, or to the ages of 14 or 15. The Ministry of Labor and Social Welfare is responsible for enforcing laws regulating the employment of children. These laws are generally enforced; however, the authorities are reluctant to attempt to enforce these laws on Roma. The law prohibits forced or bonded labor by children; however, trafficking in girls for prostitution and pornography is a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The average monthly wage was about \$158. The minimum wage is by law two-thirds of the average wage; however, it was not sufficient to provide a decent standard of living for a worker and family. The average month's worth of food for a family of four exceeded average incomes by about 20 percent. This economic situation meant that few workers could support a family on their wages alone. Many households are dual-income, and many persons take on additional work, often in the gray market.

Yugoslavia had extensive laws concerning acceptable conditions of work, including an official 42-hour workweek with a minimum 24-hour rest period and generous vacation and sick leave benefits. The Government adopted many of these provisions, including the workweek and rest period. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that do not comply with the law. Small retail businesses in particular often require employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although laws and regulations on worker safety remain from the Yugoslav era, they are not enforced strictly. The Ministry of Labor and Social Welfare is responsible for enforcing regulations pertaining to working conditions.

Under the law, if workers have safety concerns, employers are obliged to address dangerous situations. Should an employer fail to do so, employees are entitled legally to leave the dangerous situation without losing their jobs; however, this does not happen often, if ever, in practice.

f. Trafficking in Persons.—The law specifically prohibits trafficking for the purpose of prostitution; however, trafficking in women and girls for prostitution and pornography is a growing problem. Trafficking in persons for the purpose of illegal immigration is not prohibited specifically by law but is covered by immigration regulations. The country is a source, transit, and destination point for trafficking in persons. Traffickers have recruited women from other countries, especially Bulgaria, Moldova, Romania, Russia, and Ukraine, to work as prostitutes in several towns. Women are trafficked through the country on their way to West European countries, especially Italy. There are no reliable estimates of the number of victims of trafficking in the country.

Trafficking in women is not treated as a priority on either the governmental or nongovernmental level. Trafficking is handled by the Interior Ministry Department on Organized Crime. The Government cooperated with the International Organization for Migration (IOM) to provide shelter and assistance to trafficked women on an ad hoc basis in several cases, and late in the year a small center was opened to establish such services on a more regular basis.

Police expelled 108 prostitutes from Serbia, Ukraine, Belarus, and Russia in December. Deputy Interior Minister Rifat Elmazi said the police intend "to deport all prostitutes from other countries." The Government cooperated with the IOM to arrange passage of these and other trafficking victims to their home countries. Very few traffickers have been caught, and the owners of the establishments where the women worked have either fled or managed otherwise to avoid prosecution.

MALTA

Malta is a constitutional republic and parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature. The judiciary is independent.

The appointed commissioner who commands the police is under the effective supervision of the Government and may be either a civilian or career member of the force.

The economy is a mixture of state-owned and private industry, with tourism and light manufacturing as the largest sectors, and it provides residents with a moderate to high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. An independent judiciary upholds the Constitution's protections for individual rights and freedoms. Violence against women is a problem, and societal discrimination against women persists, but the Government has taken steps to address both issues.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them. Prison conditions meet minimal international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the law prohibit arbitrary arrest, detention, or exile, and the Government observes these prohibitions. The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or lodge charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial are granted access to counsel. Bail normally is granted. In June the European Court of Human Rights ruled that the Government had violated articles 5/3 and 5/4 of the European Convention on Human Rights by holding a Tunisian citizen in custody for 2 years prior to trial, thereby denying the accused prompt due process.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The Chief Justice and 16 judges are appointed by the President on the advice of the Prime Minister; judges serve until the age of 65, and magistrates serve until the age of 60. The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil court, court of magistrates, special tribunals, and from the criminal court, respectively. The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court's second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than \$2,207 (1,000 Maltese liri) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age.

The Constitution requires a fair public trial before an impartial court. Defendants have the right to counsel of their choice or, if they cannot pay the cost, to court-appointed counsel at public expense. Defendants enjoy a presumption of innocence. They may confront witnesses, present evidence, and have the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanctions. Police officers with the rank of inspector and above may issue search warrants based on perceived reasonable grounds for suspicion of wrongdoing. Reportedly only the Home Affairs Minister and the Prime Minister may issue warrants for telephone tapping, and then only in drug-related cases and matters relating to national security.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. However, the 1987 Foreign Interference Act bans foreign participation in local politics during the period leading up to elections. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

Diverse views are expressed in four daily newspapers, seven weeklies, and five Sunday editions. A total of 6 television stations, a commercial cable network, and 19 radio stations function freely.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The state-supported religion is Roman Catholicism. The Government and the Catholic Church participate in a foundation that finances Catholic schools. The church transferred nonpastoral land to this foundation as part of the 1991 Ecclesiastical Entities Act. Parts of the proceeds accruing from the dispersal of the land are transferred to the foundation to support free education of church school students. Students in government schools may decline instruction in Catholicism.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government does not arbitrarily restrict movement within the country, foreign travel, or emigration. A court order may prohibit the departure from the country of anyone who is the subject of a formal complaint alleging non-fulfillment of a legal obligation, such as the nonpayment of a debt or nonsupport of an estranged spouse.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The passage of a new refugee law in February expanded due process and the protection available to refugee applicants and formalizes what had been a system of de facto refugee status. However, enabling legislation and regulations had not been implemented by year's end. Under the law, the position of commissioner for refugees, as well as an appeals board will be established. In addition to the current humanitarian temporary protected status, the law provides for refugee status, access to free social services and education, residence permits, and travel documents. Work permits for refugees are issued on a case-by-case basis.

The UNHCR considers approximately 165 immigrants to be refugees and another 215 to be applicants. The authorities expel or repatriate those determined to be ineligible for refugee status. However, the Government did not force the return of any persons to a country where they feared persecution.

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

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

Women are underrepresented in government and politics. In the September 1998 elections, six women were elected to Parliament, three in each party, and one received a ministerial post. The Government has taken steps to include more women in civil service and other government positions.

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

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

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

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or sex. The Government respects this prohibition. Alleged victims of job discrimination may apply directly for relief to the Employment Commission of the first hall of the Civil Court in the appropriate jurisdiction.

Women.—Domestic violence against women is a problem. During the first 6 months of the year, 235 cases of domestic violence were reported to the Police Domestic Violence Unit. A special police unit and several voluntary organizations provide support to victims of domestic violence. For women who are threatened or physically abused, the Government also maintains an emergency fund and subsidizes shelters. During the year, 53 women used the shelters.

The Government set up a hot line in 1996 to assist victims of abuse through counseling and through referrals to legal assistance and shelters.

A committee was set up during 1998 to review existing family legislation and propose amendments dealing with domestic violence. Its findings were under consideration by the Government.

Prostitution is a serious offense under the law, and stiff penalties are reserved for organizers. Rape and violent indecent assault carry sentences of up to 10 years imprisonment. The law treats spousal rape the same as other rape. Divorce and abortion are not legal.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education. While women constitute a growing portion of the work force, they are underrepresented in management. Cultural and traditional employment patterns often direct them either into traditional "women's jobs" (such as sales clerk, secretary, bank teller, teacher, or nurse) or into better paying jobs in family-owned businesses or select professions (e.g., academia or medicine). Therefore women generally earn less than their male counterparts.

Women's issues are handled by the Department of Women's Rights under the Minister of Social Policy. The Minister is a prominent member of the Government who is also Deputy Prime Minister and the Nationalist Party's deputy leader. Legislation enacted in 1993 granted women equality in matters of family law, and a 1991 constitutional amendment committed the Government to promote equal rights for

all persons regardless of sex. The Government has taken steps to ensure that legislation is gender neutral to the degree possible. Redress in the courts for sexual discrimination is available. The Government's policy on gender abandoned the concept of introducing gender-based quotas in the civil service. The Government is sponsoring a report to study the prevalence of sexual harassment.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and health care. It provides compulsory, free, and universal education and free health care for children through age 16. The Government voices concern for children's rights and welfare but addresses those concerns within family law. In September the Government signed the Protocol to the UN Convention on the Rights of the Child and the Nairobi Protocol.

There is no societal pattern of abuse of children. The number of reported cases of child abuse has grown as public awareness has increased. For the first 6 months of the year, 434 cases of child abuse were reported. The introduction of a "helpline" telephone number to report suspected cases of child abuse has been effective.

People with Disabilities.—The law provides for rights for the disabled. The Persons with Disabilities Act built on provisions in the 1969 (public employment) and 1992 (accessibility) laws. The new law requires the private sector to apply equal employment guarantees already in place in the public sector. During the year for the first time, private development project plans must include access for the disabled. Government and private sector efforts to advance the status of the disabled are improving.

National/Racial/Ethnic Minorities.—Approximately 2,000 men of North African origin are married to Maltese women. This community has a mosque and a separate school.

Owners of some bars and discos reportedly discourage or prohibit darker-skinned persons from entering. In a February report, the leisure industry acknowledged that such incidents do occur and recommended corrective steps to both the Government and industry. In September the Government announced that it plans include criminalization of "racial hatred" in proposed amendments to the Criminal Code.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to associate freely and to strike, and the Government respects these rights in practice. Only noncivilian personnel of the armed forces and police are prohibited from striking. There are 36 registered trade unions, representing about 50 percent of the work force. Although all unions are independent of political parties, the largest, the General Workers' Union, generally is regarded as having close informal ties with the Labor Party.

Under the Industrial Relations Act of 1976, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization Committee of Experts objects to a provision of the act that permits compulsory arbitration to be held at the request of only one of the parties, but neither unions nor employers appear to object to this provision. In practice a striking union can ignore an unfavorable decision of the Tribunal by continuing the strike on other grounds. During the first 6 months of the year, one strike was referred to the Industrial Tribunal.

There is no prohibition on unions affiliating internationally.

b. The Right to Organize and Bargain Collectively.—Workers are free, in law and practice, to organize and bargain collectively. Unions and employers meet annually with government representatives to work out a comprehensive agreement regulating industrial relations and income policy.

Under the Industrial Relations Act, an employer may not take action against any employee for participation or membership in a trade union. Complaints may be pursued through a court of law, through the Industrial Tribunal, or through the Tribunal for the Investigation of Injustices (presided over by a judge of the Superior Court); however, most disputes are resolved directly between the parties. Workers fired solely for union activities must be reinstated.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it is not known to occur.

The Government prohibits forced and bonded labor by children and enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children younger than age 16. This injunction generally is respected, but some underage children were employed during summer months, especially as domestics, restaurant kitchen help, or vendors. The Department of Labor

enforces the law effectively, but it is lenient in cases of summer employment of underage youths in businesses run by their families. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The weekly legal minimum wage is \$96 (44 Maltese liri) for persons under age 17; \$99 (45 Maltese liri) for 17-year-olds; and \$105 (48 Maltese liri) for persons age 18 and over. Additionally a mandatory bonus of \$10 (4 Maltese liri) per week is paid. This minimum wage structure provides a decent standard of living for a worker and family with the addition of government subsidies for housing, health care, and free education. Wage Councils, composed of representatives of government, business, and unions, regulate work hours; for most sectors the standard is 40 hours per week, but in some trades it is 43 or 45 hours per week.

Government regulations prescribe a daily rest period, which is normally 1 hour. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor effectively enforces these requirements.

Enforcement of the 1994 Occupational Health and Safety (Promotion) Act is uneven, and industrial accidents remain frequent. Workers may remove themselves from unsafe working conditions without jeopardy to their continued employment.

f. Trafficking in Persons.—No law specifically prohibits trafficking in persons, although traffickers may be prosecuted under the Immigration Act for unlawful entry or unregulated status.

There were no reports that persons were trafficked to, from, through, or within the country.

MOLDOVA

Moldova gained its independence from the Soviet Union in 1991 and in 1994 adopted a constitution that provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. International observers considered the 1996 presidential and 1998 parliamentary elections to be free and fair, but authorities in the separatist Transnistrian region interfered with citizens' ability to vote. President Petru Lucinschi's 4-year term ends in January 2001. The Parliament, which was dismissed at the end of the year, was composed of: The Communist Party with 40 seats, centrist parties with 39 seats, a rightwing party with 9 seats, and 13 independents. The Parliament amended the 1994 Constitution on July 21 by voting to transform the country into a parliamentary republic, significantly reducing the President's powers and changing the presidential election from a popular to a parliamentary vote. The amendment also eliminated the President's ability to introduce legislation for Parliament's consideration. The Constitution provides for an independent judiciary; while the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence continued to increase.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the Ukrainian border. This separatist regime has entered into negotiations with the national Government on the possibility of a special status for the region. Progress in resolving the ongoing conflict has been blocked by the separatists' continuing demands for statehood and recognition of the country as a confederation of two equal states. The Organization for Security and Cooperation in Europe (OSCE), the Russian Federation, and Ukraine act as mediators. The two sides generally have observed the cease-fire of 1992, which ended armed conflict between them, but other agreements to normalize relations often have not been honored. In the second half of the year, Russian State Commission chairman Yevgeniy Primakov launched a new initiative for a resolution of the Transnistrian issue. A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor (Bashkan) and 35 deputies to their Popular Assembly in free and fair elections in September 1999. The stability of the agreement on autonomy was put in doubt as differences developed between the Gagauz and central authorities over the distribution of tax revenues, budget allocations, and property ownership.

The Ministry of Internal Affairs has responsibility for the police. The Ministry of National Security renamed by Parliament the Information and Security Service (ISS) was placed under Parliament's control. The Border Guards are no longer under ISS control, but are a separate agency. The ISS has the right to investigate, but not to arrest. The Constitution assigns to Parliament the authority to investigate the activities of the Ministry of Internal Affairs and the ISS, and ensures that they comply with existing legislation. Some members of the security forces com-

mitted a number of human rights abuses. General Aleksei, the head of the Anti-Organized Crime and Corruption Department under the Ministry of Internal Affairs, was suspended from his position and is under investigation for misuse of funds. The General Prosecutor's office is conducting the investigation, which was still ongoing at year's end.

The country continued to make progress in economic reform. International observers viewed the Government of Prime Minister Braghis as strongly proreform. The economy is largely based on agriculture. Citizens and foreigners can buy and sell land at market prices. However, foreigners cannot buy agricultural land, nor can agricultural land be resold for a period of 5 years. Over 900 of approximately 1,000 large collective farms have applied for the Government's land privatization program. By year's end, approximately 634,000 landowners have received title to almost 1.7 million plots of land. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The gross domestic product (GDP) is estimated officially at about \$312 (3900 lei) per capita but may be considerably underestimated because of activity in the large shadow economy and underreporting for tax purposes. According to some estimates, the shadow economy accounts for about two-thirds of the national economy. The officially reported median salary is \$33 per month (410 Moldovan lei). According to government statistics about 80 percent of the population lives below the poverty level and 20 percent of the population is classified as extremely poor. Some 65.4 percent of the poorest people live in rural areas. According to the results of the Government's household budget survey for the first quarter of the year, the monthly disposable income per person was about \$15.50 (193 Moldovan lei) and 92 percent of the population lives on less than \$1 per day. A majority of citizens cannot afford to buy fish, meat, milk and other dairy products on a regular basis. Malnutrition is recognizable in the rates of anemia for children, and the percentage of young men not physically fit for military service. The infant mortality rate is increasing, life expectancy is decreasing, and deaths in childbirth are increasing. The GDP increased by 1.9 percent during the year. GDP per capita was \$353 (439 Moldovan lei). A program privatizing state-owned enterprises and real estate based on vouchers issued to all citizens is complete. The exchange rate remained stable for most of the year, with local currency depreciation in the beginning of the year and its slow appreciation in mid-year. Inflation for the year was 18.4 percent. The country has considerable foreign debt. The economic situation is worse in Transnistria.

The Government generally respects the human rights of its citizens; however, there were problems in some areas. The police occasionally beat and otherwise abused detainees and prisoners. Prison conditions remained harsh, with attempts to improve them are hampered by lack of funding. While the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence continued to increase. It is widely believed that security forces monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. The Constitution potentially limits the activities of the press, political parties, and religious groups. In the past, journalists have practiced self-censorship, due to fear of protracted legal battles. A recent Supreme Court decision tightened the requirements for bringing such suits. The law also imposes restrictions on some religious groups. Societal discrimination and violence against women persisted. The Constitution allows parents the right to choose the language of education for their children. Trafficking in women and girls was a very serious problem.

The Transnistrian authorities continued to be responsible for abuses, including questionable detentions, harassment of independent media, restrictions on freedom of religion, and discrimination against Moldovan/Romanian speakers.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings in the country or its separatist region.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment; however, there were credible reports that police sometimes beat and abused prisoners or suspects.

From April 17 to 19, violent clashes took place in Chisinau between police and students protesting the municipal decision to cancel their free public transport privileges (see Section 2.b.). Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed

and the students were subsequently released. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end. Subsequent protests over wage arrears were peaceful (see Section 1.d.).

A businessman alleged that the police kidnaped his brother for 3 days in July 1999. The police reportedly tortured him, then released him after charging him with drunkenness and resisting arrest. The businessman also charged that this was a case of racketeering and involved persons from the prosecutor's office as well as the police. The Prosecutor's Office announced in December 1999 that physical assault charges were pending against three police officers, but the case was dismissed on April 17 for lack of evidence. There was no investigation into the racketeering charges.

Conditions in most prisons remain harsh, with serious overcrowding. Cell sizes do not meet local legal requirements or minimum international standards. Conditions are especially harsh in prisons used to hold persons awaiting trial or sentencing. These prisons suffer from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences are better only marginally. According to the 1999 Human Development Report of the United Nations Development Program (UNDP), 2.3 percent of the total number of inmates are children. There are separate facilities for children and teenaged prisoners; most are in detention camps. The incidence of malnutrition and disease, especially tuberculosis, is high in all facilities. The medical section of the Department of Penitentiaries released figures of 1,871 inmates with tuberculosis and 124 with HIV/AIDS. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continued at diminished levels. The Ministry of Justice administers the prison system. Attempts to improve prison conditions are frustrated by a lack of financing.

Human rights monitors are permitted to visit prisons. Local and international human rights monitors were allowed to visit prisons in Moldova, and Council of Europe (COE) monitors were allowed to visit some prisoners in Transnistria; however, COE monitors were not allowed to inspect prisons in Transnistria.

After questionable trials in 1993, four ethnic Moldovans continued to serve sentences in Transnistria for alleged terrorism-related crimes (see Section 1.e.). At the end of July 1999, one of the four, Ilie Ilascu, wrote a letter to the press claiming to be on his 77th day of a hunger strike and alleging a number of abuses by the Transnistrian authorities. A member of the OSCE mission visited him in July 1999 and observed that he did not appear to be in imminent danger. At the end of 1999, he still was claiming to be on a hunger strike. In December 1999, the wives of all four complained that they were not able to visit, although they were allowed to send food. In March a Commonwealth of Independent States (CIS) official visited Ilascu, but OSCE members were not allowed to accompany him. None of the visitors made any observation of imminent danger to the state of health of the prisoner. In May Moldovan Parliamentary President Diacov visited Ilascu. This was the first time a senior government official met with him. The visit was filmed and televised by local television stations (see Section 1.e.). The International Committee of the Red Cross (ICRC) visited these prisoners in 1992 and again in 1993 in Tiraspol, but later were denied visitation. The ICRC continued negotiating with Transnistrian officials at year's end to visit the prisoners with an international medical team. In June the Government of Moldova officially requested a retrial of the Ilascu group in a third country OSCE member state. In August Ilascu himself conveyed to a visiting Council of Europe official that he wanted a retrial. Some OSCE member states are considering the Government's request; however, at year's end, no state had yet confirmed its willingness to do so.

d. Arbitrary Arrest, Detention, or Exile.—The former Soviet Code on Penal Procedure remains in force with some amendments, and authorities respect its provisions. New penal and civil codes and the Code on Punishment for Minor Offenses were undergoing hearings in Parliament. The July session of Parliament decided that the Prosecutor General's office would no longer supervise the implementation of laws. Its function was restricted to criminal prosecution, presentation of formal charges before a court, and overall protection of the rule of law and civil freedoms. The Prosecutor General's office is under the judiciary branch. A law was passed during the year to make the Prosecutor General's office an independent body within the Supreme Council of Magistrates. Judges issue arrest warrants based on cases being presented by prosecutors. Under the Constitution, a suspect may be detained without charge for 24 hours. The suspect normally is allowed family visits during this period. The 24-hour time limit is not always respected, especially if a person is arrested late on a Friday or on a weekend. If charged a suspect may be released on personal recognizance or pending trial. There is no system of bail, but in some cases,

in order to arrange release, a friend or relative may give a written pledge that the accused will appear for trial. Suspects accused of violent or serious crimes generally are not released before trial.

The Constitution permits pretrial arrest for an initial period of 30 days, which may be extended up to 6 months. Detentions of several months are fairly frequent. In exceptional cases, Parliament may approve extension of pretrial detention on an individual basis of up to 12 months. The accused has the right, under the Constitution, to a hearing before a court regarding the legality of his arrest. According to figures provided by the Ministry of Justice, 3,477 persons of a total prison population of 9,449, were held in confinement awaiting trial at year's end (these statistics do not include persons held in Transnistria).

According to the Constitution, a detained person must be informed immediately of the reason for his arrest and must be made aware of the charges as quickly as possible. The accused has the right to a defense attorney throughout the entire process, and the attorney must be present when the charges are brought. Many lawyers point out that access to a lawyer generally is granted only after a person has been detained for 24 hours. If the defendant cannot afford an attorney, the State requires the local bar association to provide one. Because the State is unable to pay ongoing legal fees, defendants often do not have adequate legal representation.

From April 17 to 19, violent clashes took place in Chisinau between police and students protesting the municipal decision to cancel their free public transport privileges (see Section 2.b.). Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed and the students were subsequently released. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end (see Section 1.c.).

The Transnistrian authorities have imposed a state of emergency that allows law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. Such arbitrary detention procedures usually have been applied to persons suspected of being critical of the regime and sometimes last up to several months. According to a credible report by Amnesty International (AI), many pretrial detentions in Transnistria fit this description; however, there were no reports that Transnistrian authorities used this provision during the year.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch has exerted undue influence on the judiciary. Many observers believe that arrears in salary payments also make it difficult for judges to remain independent from outside influences and free from corruption. There were continuing indications during the year that judicial independence was increasing.

Since 1997 prosecutors have the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. The Constitution provides that the President, acting on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. This provision for judicial tenure is designed to increase judicial independence. Beginning during the year, judges being considered for reappointment were required to take a specialized training course at the Judicial Training Center. At the end of this training, they are tested. The test is evaluated by the Superior Council of Judges and the results are considered when making reappointment decisions. This process was designed to increase the professionalism of the judges.

The judiciary consists of lower courts of the first instance, five appellate courts (tribunals), a Higher Court of Appeals, a Supreme Court, and a Constitutional Court. The Supreme Court supervises and reviews the activities of the lower courts and serves as a final court of appeal.

By law defendants in criminal cases are presumed innocent. In practice prosecutors' recommendations still carry considerable weight and limit the defendant's actual presumption of innocence. Trials generally are open to the public. Defendants have the right to attend proceedings, confront witnesses, and present evidence. Defense attorneys are able to review the evidence against their clients when preparing cases. The accused enjoys a right to appeal to a higher court. Because of a lack of funding for adequate facilities and personnel, there is a large backlog of cases at the tribunal and Higher Appeals Court levels. Court decisions involving the restitution of salary or a position are not always implemented.

To date no pattern of discrimination has emerged in the judicial system. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Moldovan/Romanian.

There continued to be credible reports that local prosecutors and judges extort bribes for reducing charges or sentences. In January 1999, a judge in the Chisinau economic court was arrested for allegedly accepting a bribe to reduce a fine against a firm. He was convicted and sentenced to 10 years in prison.

Prosecutors occasionally use bureaucratic maneuvers to restrict lawyers' access to clients.

The Constitutional Court showed signs of increasing independence during the year. The Court reviewed 90 cases during the year, a 40 percent decrease from 1999. The Court declared unconstitutional 16 laws, 1 parliamentary decision, and 4 government acts. In the period since Parliament passed the July 5 amendment to the constitution, the court has been called upon to issue a number of rulings on the interpretation of the amendment and subsequent implementing legislation. Despite the political rivalry between the President and the Parliament, the court's decisions have generally been regarded as fair and objective. On October 10, the Court ruled recent legislation requiring political parties be registered for 2 years before participating in elections to be unconstitutional.

There were no reports of political prisoners outside Transnistria.

In Transnistria four ethnic Moldovans, members of the "Ilascu Group," (one of whom, Ilie Ilascu, is an elected member of the Romanian Parliament but has never been able to take his seat) remained in prison following their conviction in 1993 for allegedly killing two separatist officials (see Section 1.c.). International human rights groups raised serious questions about the fairness of the trial; local organizations alleged that the Moldovans were prosecuted solely because of their membership in the Christian Democratic Popular Party (PPCD), a Moldovan political party that favors unification with Romania. Family members have been allowed access. In April 1999, the Ilascu Group filed a case with the European Court of Human Rights (ECHR) against the Government of Moldova and the Russian Federation. In June 1999, the ECHR registered the case and began examining it. The ECHR notified both Governments during the year that it would hear the case and ordered them to file their responses by September 25. Both governments submitted their documents on October 25, which were sent by the ECHR to the Ilascu Group's lawyers. Lawyers for the Ilascu Group are scheduled to present their case before the ECHR in January 2001. The President of the Parliament of Moldova, Dumitru Diacov, visited Ilascu on May 16. This was the first time a senior government official met with Ilascu. The visit was filmed and then broadcast by local television stations. International organizations continued to pressure the Transnistrian authorities to retry the Ilascu Group in another OSCE-member state; however, by year's end no country had expressed willingness to retry them. In July 1999, the Transnistrians issued a moratorium on capital punishment, which in effect suspended implementation of Ilascu's death sentence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Prosecutors issue search warrants; however, in some instances searches are conducted without warrants. Courts do not exclude evidence that was obtained illegally. There is no judicial review of search warrants. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. It also forbids searches at night, except in the case of flagrant crime.

It is widely believed that security agencies continue to use electronic monitoring of residences and telephones without proper authorization. By law the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is under way. In practice the prosecutor's office lacks the ability to control the security organizations and police and prevent them from using wiretaps illegally.

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, although with some restrictions. The Government does not limit freedom of speech, and the print media express a wide variety of political views and commentary. National and city governments subsidize a number of newspapers, but political parties and professional organizations, including trade unions, also publish newspapers. Most newspapers have a circulation of less than 5,000.

Although the number of media outlets that are not owned and operated publicly by the State or a political party is growing, most of these independent media still are in the service of a political movement, commercial interest, or foreign country, and secure large subsidies from these sources. There are several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. There are three independent television stations in the Chisinau area and one in the city of Balti. The Government owns and oper-

ates several radio stations and a television station that covers most of the country. A number of local governments, including Gagauzia, operate television and radio stations. The Association of Electronic Press was founded in September 1999. The Association of Independent Press was founded in July 1997.

The 1995 Moldovan Audiovisual (AV) law requires a minimum of 65 percent of broadcasting be in the state (Moldovan/Romanian) language. The law did not specify if the 65 percent rule applied to all broadcast content or only that locally produced. In August the Audio-Visual Council (AVC) suspended the licenses of two radio stations and two television channels for their failure to respect the 65 percent requirement. On September 20, the Court of Appeals affirmed the revocation of the licenses and ordered the AVC to enforce the revocation. A court case brought by the Club of Romanian and Western University Graduates, against a number of other stations for failure to respect the 65 percent rule, was decided in favor of the plaintiffs. This decision forced the AVC to suspend the licenses of several other radio and television stations. This decision caused much controversy within the country and abroad. The Transnistrian authorities immediately proclaimed it further proof of their need to be independent of Chisinau. The Communist faction in Parliament demanded that the court decisions be annulled and the audiovisual legislation be modified. Several groups, among them the Student Association at the Academy of Economic Studies and a group of performing artists and composers, spoke out against the closure of television and radio stations under this law, as did the OSCE High Commissioner for National Minorities and the Head of the OSCE mission in Moldova. The law also elicited strong criticism from Russia. The television and radio stations continued broadcasting despite suspension of their licenses, because the AVC had no real means to enforce the suspension. In October Parliament passed an amendment to the AV law, specifying that the 65 percent rule applied only to locally produced broadcast content. This allowed the AVC to reinstate the suspended licenses, because the affected stations were primarily repeater stations for foreign produced material.

The Constitution restricts press freedoms, forbidding "disputing or defaming the State and the people" and political parties that "militate" against the country's sovereignty, independence, and territorial integrity. These restrictions lack implementing legislation and are not invoked. In the past, criticism of public figures had resulted in a number of lawsuits. Consequently to avoid lengthy lawsuits, journalists practiced self-censorship. The Supreme Court in 1999 overturned an article in the Civil Code that allowed public figures to sue for defamation without distinguishing between their public and private persons. Under the Court's 1999 ruling, parties filing lawsuits must prove that the information was false and defamatory and published recklessly or with intentional malice. Since the 1999 decision, the plaintiffs generally have lost in cases where suits have been filed against journalists and media organs.

Legislation was passed in May giving access to public information. Journalists and ordinary citizens now have the right to obtain information from government organizations, which must also provide a timetable of when they will supply the information; however, at year's end the Government had not yet put into place the necessary mechanisms to respond to public inquiries.

The Government does not restrict foreign publications. However, Western publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, and some publish a special Moldovan weekly supplement. The country receives television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers receive a variety of foreign cable television programs. Parliament prohibited the use of locally based foreign media outlets from accepting political ads and publishing editorials in favor of a particular candidate. Of the two major newspapers in Transnistria, one is controlled by the regional authorities and the other by the Tiraspol city government. There is one independent newspaper in Tiraspol and one in the northern Transnistrian city of Ribnitsa. At times the independent newspapers criticize the Transnistrian regime and have been harassed by separatist authorities. Other print media in Transnistria do not have a large circulation and appear only on a weekly or monthly basis. Nonetheless some of them also criticize local authorities. The one independent television station is trying to enlarge its broadcast radius, but produced less than 10 hours of programming per week. The official Transnistrian television station, which previously had enjoyed a virtual monopoly of advertising revenues, continued to resist the independent station's expansion. Most Moldovan newspapers do not circulate in Transnistria although they are available in Tiraspol. Circulation of all print media in Transnistria is hampered by the closed nature of the society. The independent newspaper in Tiraspol, the *Novaya Gazeta*, was effectively shut down from January to August 1999 through the repeated confiscation of its press run by the

Transnistrian authorities. Authorities did not present search warrants or court orders authorizing these confiscations. After a number of legal proceedings in which Transnistrian courts ruled the interventions illegal, and an intervention by the OSCE, the newspaper began to publish again in August 1999, although with a sharply limited circulation and under a modified name (*Samya Novaya Gazeta*). An independent newspaper in Ribnitsa was almost put out of business by two costly libel suits by local officials during the year.

Article 34.5 of the Constitution prohibits censorship and the Government does not officially censor books, films, or any other media; however, members of Parliament and other government officials often contact a media outlet with complaints about their reporting, which usually results in the criticism being toned down. Internet access is not limited by the government, but is prohibitively expensive; however, Internet cafes are plentiful in major cities.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right to peaceful assembly, and authorities respected this right in practice. Mayors' offices issue permits for demonstrations; they may consult the national government if a demonstration is likely to be extremely large. On March 20, approximately 5,000 teachers and other protesters went on strike in front of the government building, protesting the nonpayment and low level of teachers' salaries. Although over 500 police officers and cadets were present with riot gear and gas masks, the protest remained peaceful.

From April 17 to 19, violent clashes took place between police and as many as 20,000 students, reportedly from every higher education institution in Chisinau, protesting the municipal decision to cancel the students' free public transportation privileges. Both police and students sustained serious injuries, including broken arms and legs (see Section 1.c.). It is estimated that some 400 students were detained over the 3 days. The incident was currently under investigation by the Chisinau municipal prosecutor's office at year's end.

On September 7, about 180 pensioners and others demonstrated peacefully in downtown Chisinau against the municipal withdrawal of free transportation on trolleys and buses for pensioners. The pensioners later enlarged their grievances to include a call for a larger increase in the size of pension deemed necessary to maintain a decent standard of living. Approximately 2,500 pensioners returned to protest on November 1, demanding an increase in their monthly payments and the provision of free public transportation. In December pensioners staged a small, peaceful demonstration protesting pension arrears; there was a similar demonstration in support of veterans who had illegally occupied a building earmarked for parliamentary delegates. Police did not use force at any of the demonstrations.

The Constitution states that citizens are free to form parties and other social and political organizations, and authorities respected this right in practice. Private organizations, including political parties, are required to register, but applications are approved routinely. The Constitution forbids parties that "militate against the sovereignty, independence, and territorial integrity of Moldova." A total of 30 parties met the requirement of the October 1998 law requiring 5,000 members and are registered officially. An amendment to this law, which required that parties must have been registered for at least 2 years before taking part in elections, was ruled unconstitutional by the Constitutional Court in October. Parties registered for less than 2 years will therefore be allowed to participate in February 2001 elections.

c. Freedom of Religion.—The Government generally permits the free practice of religion; however, a 1992 law on religion that codifies religious freedoms contains restrictions that could and in some instances did—inhibit the activities of some religious groups. The law provides for freedom of religious practice, including each person's right to profess his religion in any form. It also protects the confidentiality of the confessional, allows denominations to establish associations and foundations, and states that the Government may not interfere in the religious activities of denominations. The procedures for registering a religious organization are the same for all groups. In the territory under effective control of the Moldovan authorities the Bessarabian Orthodox Church is the only religious group presently denied registration.

Several religious organizations face difficulties registering or conducting religious activities in the area under control of the Transnistrian authorities.

The law on religion as amended to legalize proselytizing—in principle bringing the legislation in line with the ECHR—went into effect in June 1999. However, the law on religion explicitly forbids "abusive proselytizing." Abusive is defined as "an attempt to influence someone's religious faith through violence or abuse of authority." Although some Protestant groups were concerned that the previous prohibition on

proselytizing could inhibit their activities, the Government has not taken legal action against individuals for proselytizing.

Although Eastern Orthodoxy is not designated in the law on religion as the official religion, it continued to be a strong religious force and exerted significant influence. A notable example has been that of the Bessarabian Orthodox Church. The Government denied recognition to the Bessarabian Orthodox Church in October 1992, March 1996, August 1996, and March 1997. The Bessarabian Orthodox Church was formed in 1992 when a number of priests broke away from the Moldovan Orthodox Church, which is subordinate to the Moscow Patriarchate. The Bessarabian Orthodox Church, which sees itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the part of Moldova between the Nistru and Prut Rivers), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. The Government consistently has refused to register the Bessarabian Church, citing unresolved property claims and stating that the Bessarabian Church is a "schismatic movement." The issue has political as well as religious overtones, because it raises the question whether the Orthodox Church should be united and oriented toward Moscow, or divided with a branch oriented toward Bucharest. (Leaders of the Moldovan Orthodox Church appear more interested in independence than in links to Moscow.) In 1997 the Supreme Court overturned an appellate court decision affirming the right of the Bessarabian Church to register with the Government. However, the Supreme Court's decision was based on a procedural issue rather than on the merits of the case. The Bessarabian Church appealed the case to the European Court of Human Rights in June 1998. The Government submitted its response in February, arguing that registering the Bessarabian Church would interfere with an internal matter of the Moldovan Orthodox Church. There was no decision by year's end.

In January 1998, authorities in Transnistria canceled the registration of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been denied or delayed. Transnistrian officials regularly confiscate religious tracts from members of Jehovah's Witnesses, most recently in January, because the group is not registered properly. According to local leaders of Jehovah's Witnesses, two preachers were arrested and detained for several days in April 1999. The Church of the Living God has been denied registration in five towns in Transnistria. Baptist leaders have complained that they are not allowed to distribute religious literature or organize public meetings in Transnistria. Non-Orthodox groups complain that they generally are not allowed to rent property and often are harassed during religious services.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to travel freely; however, there are some restrictions on emigration. Close relatives with a claim to support from the applicant must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets. However, such cases are very rare, and none were reported during the year. It is generally accepted that a large number of Moldovan citizens are working in foreign countries without having legal status in those countries. Figures on emigration from a variety of official Moldovan sources are statistically inaccurate; however, current government estimates claim that between 600,000 and 800,000 Moldovans are illegally working outside the country due to economic depravation. Estimates indicate that the majority of them are working in Russia, Romania, Ukraine and Bulgaria. There also are occasional news stories of arrests of illegal Moldovans in South Africa and South Korea. The Interior Ministry reported in October that 2,240 Moldovan citizens working illegally abroad had been extradited back to the country.

Travel between Transnistria and the rest of the country is not prevented. There are regularly scheduled buses and trains. However, the separatist authorities often stop and search incoming and outgoing vehicles. In May 1999, the Moldovan Government established fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria.

Moldova is not a party to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government has no processing procedures for potential refugees resident in the country. According to a representative of the U.N. High Commission for Refugees (UNHCR) about 10 to 15 people per month arrive in Moldova seeking refuge. Many originate in Chechnya, Iraq, Sudan, Afghanistan and Nigeria. Most are detained at the airport until they can be deported. The Chechens, Russian speakers who physically resemble resident Moldovans, are more successful in gaining admission. The Government formally started cooperating with the UNHCR in late 1997.

The approximately 60 to 100 Chechen refugees who arrived in Moldova during the year led to controversy between the Government and the UNHCR over the extent

of legal protection refugees should receive. According to a UNHCR representative, the authorities frequently fail to inform the UNHCR of the arrival of refugees or disregard UNHCR guidance and advice. At the urging of the UNHCR, the Government accelerated the submission of a law on refugees to the Parliament, but it had not been passed by year's end.

The issue of providing first asylum has never arisen formally. There were no official reports of the forced return of persons to a country where they feared prosecution; however AI reported a case in which such a forced return took place. According to AI, a Kurdish Turk, allegedly a leader in the Kurdistan Workers Party (PKK), was seized on July 13 by unidentified men in Chisinau and flown to Turkey where he faces charges that could carry a death sentence. Local human rights organizations charge that the Government failed to follow correct procedures in the case. There are allegations that national security officers were involved; however, the authorities deny them.

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

Citizens have voted in multiparty presidential and parliamentary elections in 1996 and 1998 respectively. International observers considered the elections to be free and fair, but Transnistrian authorities have interfered with citizens' ability to vote in these elections.

The Constitution adopted in 1994 provided for the division of power among the popularly elected President, the Cabinet, the Parliament, and the judiciary. The President as Head of State, in consultation with the Parliament, appoints the Cabinet and the Prime Minister, who functions as the head of government. A minister can be dismissed only with the assent of the Prime Minister. Some observers believe that the Constitution does not define adequately how executive powers are to be shared between the President and the Prime Minister. The President held a non-binding referendum in May 1999, asking if citizens wanted a stronger presidency. Based on a 65 percent positive response, the President proposed an initiative to revise portions of the Constitution in August 1999. The proposal sought to create a "presidential republic" with more power in the hands of the chief executive. Two groups of parliamentarians presented alternative constitutional amendments to create a "parliamentary republic." On July 5, Parliament acted on the proposals and voted to amend the 1994 Constitution to transform the country into a parliamentary republic, significantly reducing the president's powers and changing the presidential election from a popular to a parliamentary vote. The bill was sent to the President who vetoed it and sent it back to parliament. The Parliament overrode the veto on July 21 and the bill became law.

In September Parliament passed implementing legislation. According to this legislation, three-fifths of the vote in Parliament are required to elect a candidate, and the vote must be held by secret ballot. If Parliament fails to elect a candidate in the first round of voting, a runoff can be held between the two leading candidates. If the runoff fails to produce a winner, another vote can be held within 15 days. If Parliament fails to elect a president after the second round of voting, the sitting President can dissolve Parliament.

On December 1, Parliament held the first round of the presidential election. Two candidates competed for the position of President: Communist Party leader Vladimir Voronin and Constitutional Court President Pavel Barbalat. Several Parliamentarians did not respect the secret ballot and the results of the first round of voting were declared invalid by the Constitutional Court. A repeat of the first vote was held on December 4. Neither candidate secured the necessary

three-fifths majority of the vote, therefore a runoff was held on December 6; however, both candidates were again unsuccessful in securing a three-fifths majority. A second round of voting on December 21 ended in disarray when several parties boycotted the vote, preventing Parliament from achieving the required quorum to hold the vote. The Constitutional Court however ruled that the December 21 Parliamentary session, although unsuccessful, constituted the legal second round of elections. Thus on December 31, Moldovan President Petru Lucinschi dissolved the Parliament and scheduled new parliamentary elections for February 25, 2001. His decision to dissolve Parliament was made on the grounds that Parliament had failed to elect a new president according to the constitutional procedure and timeframe, a position supported by the Constitutional Court.

The Constitution states that citizens are free to form parties and other socio-political organizations. However, the controversial Article 41 of the Constitution states that organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are unconstitutional. Small parties that favor unification

with neighboring Romania have charged that this provision is intended to impede their political activities. The Association of Victims succeeded in registering as a political party, but a request to change its name to the National Romanian Party, was refused. Following an appeal, the Court of Appeals ruled that the organization could change its name. The Ministry of Justice followed the decision of the Court of Appeals and registered the party under its new name in December.

A law on administrative and territorial reform went into effect in January 1999 and reduced the number of administrative districts from 42 to 12. New districts included the municipality of Chisinau, the Gagauz autonomous region, and the Transnistrian region. Citizens voted for mayors and newly created district and municipal councils in May 1999 elections. Twenty-three parties and a number of independent candidates participated in the campaign. Although the parties in Parliament won most of the posts, a leftist party, not in Parliament, gained several positions in the north, and independents were elected throughout the country. Transnistrian authorities did not allow citizens to vote in their region. The Gagauz did not participate in the May 1999 elections but held separate elections in September 1999 for governor (Bashkan) and 35 deputies to its Popular Assembly.

In 1991 separatist elements, assisted by uniformed Russian military forces in the area and led by supporters of the 1991 coup attempt in Moscow, declared a "Dniester Republic" in the area of the country that is located between the Dniester River and Ukraine. Fighting flared briefly in 1992 but ended after Russian forces intervened, and a truce has held since. Russian, Ukrainian, and OSCE mediators have attempted to encourage the two sides to reach a settlement that preserves Moldovan sovereignty and independence while granting a measure of autonomy to Transnistria. In 1997 the Transnistrian authorities signed a memorandum of understanding with the Government. Since then further negotiations have been inconclusive, and there was no significant progress towards a settlement by year's end. In August Russian State Commission chairman Yevgeniy Primakov launched a new initiative for a resolution of the Transnistrian issue. The initiative recommended the federalization of Moldova and the creation of a Russian-led OSCE peacekeeping force.

Women are underrepresented in leading positions both in government and political parties, although there are no restrictions in law or practice on the participation of women or minorities in political life. Women hold 8 of 101 parliamentary seats. All female parliamentarians formed a club in September 1999 to unite efforts to improve the social condition of women and children. The Association of Moldovan Women, a sociopolitical organization, competed in the 1998 parliamentary elections but was unable to gain parliamentary representation. Russian, Ukrainian, Bulgarian, and Gagauz minorities are represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate takes place in either the Moldovan/Romanian or Russian language, with translation provided.

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

Several local human rights groups exist. They operate without interference except in the Transnistrian region. The local Helsinki Watch Organization maintains contacts with international human rights organizations, as does the Helsinki Citizens Assembly. AI established a satellite office in Chisinau in 1997 and has become active in the country, although the authorities in Tiraspol impede its activities in the Transnistrian region. Amnesty, a local human rights nongovernmental organization (NGO) unaffiliated with Amnesty International, applied for registration in Transnistria, as required by the Transnistrian "Constitution." Their petition took 8 months to be approved (as opposed to the usual 2 months) and their members were called in separately by the police for questioning. Two members reported they had received veiled death threats.

Citizens may appeal to the EHCR in Strasbourg if they believe their rights have been violated or Moldovan laws are not in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). In the first half of the year, citizens filed 50 cases with the ECHR. The majority of the cases dealt with lack of social protection and salary and pension arrears accumulated by the Government. At year's end, none of the cases had been resolved. Most citizens are unaware of the convention and their rights to legal remedies in general.

Parliament passed the Law on Parliamentary Advocates in October 1997, which created three positions of parliamentary advocates (ombudsmen) and established an independent center for human rights. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for 5-year terms. A parliamentary advocate may only be removed from office by a two-thirds vote of Parliament, which gives them substantial independence. Parliamentary advocates are

empowered to examine claims of human rights violations and advise Parliament on human rights issues. Advocates also have the right to submit any legislation to the Constitutional Court for a review of constitutionality, even if no specific case has been brought before them. The advocates oversee the operation of a human rights center, which opened in April 1998 with the support of the U.N. Development Program. The center provides training for lawyers and journalists, visits jails, tries to influence legislation, and conducts seminars and training programs. In 1999 with financial aid from the Government of the Netherlands, it organized eight seminars and 17 training sessions on human rights issues. Of the approximately 7,300 complaints handled by the center this year, the majority involved private property violations, labor rights, access to justice, personal security, right to life and personal dignity issues. The center also held approximately 80 specialized seminars and educational training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students.

The Government has supported the work of the OSCE, which has had a mission in the country since 1993 to assist in efforts to resolve the separatist conflict. The OSCE participates in the Joint Control Commission-composed of Moldovan, Russian, Ukrainian, and Transnistrian members-which reviews violations of the cease-fire agreement. The mission generally enjoys access to the security zone along the river dividing the separatist-controlled territory from the rest of the country.

The Government has cooperated with the ICRC in the past, permitting visits to prisoners from the 1992 conflict. In August Transnistrian separatist authorities agreed in principle to allow the ICRC access to the four members of the original Ilascu Group, who have remained in prison since 1993 (see Sections 1.c. and 1.e.); however, the visit had not taken place by year's end.

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

The Constitution states that persons are equal before the law regardless of race, sex, disability, religion, or social origin. There are remedies for violations, such as orders for redress of grievances, but these are not always enforced.

Women.—Spousal violence is known to occur, although the Government does not keep official data on incidences of domestic violence. A prominent women's rights advocate asserts that one-half of women are victims of domestic violence. The Government supports educational efforts, usually undertaken with foreign assistance, to increase public awareness of this problem and to train public officials and law enforcement officials in how to address domestic violence. The Criminal Code does not specifically address crimes of domestic assault, and the Government rarely prosecutes domestic assault crimes under its general assault laws; however, women abused by their husbands have the right to press charges. Husbands convicted of such abuse may receive prison sentences (typically up to 6 months). There is no law on spousal rape. The Ministry of Internal Affairs reported 382 cases of spousal abuse cases during the year, including 95 resulting in serious bodily injury, 10 murder attempts, and 72 murders.

The First Lady and the mayor of Chisinau initiated a project in October 1999 to open a women's shelter in Chisinau. The city donated a former kindergarten to a private organization to operate the shelter, and a member of Parliament was named as executive director of the organization. By year's end, the shelter had not yet opened due to lack of funds. A private organization operates a confidential service to provide support to abused spouses, including a hot line for battered women. According to knowledgeable sources, women generally do not appeal to police or the courts for protection against abusive spouses because they are embarrassed to do so and are not convinced that the authorities would react positively, as the police generally do not consider spousal abuse a serious crime. The Ministry of Internal Affairs recorded 193 cases of rape and 22 cases of attempted rape, an 11 percent decrease from the same period in 1999. Women's groups believe that the numbers of rapes and incidents of spousal abuse are underreported.

Trafficking in women is a very serious problem (see Sections 6.e. and 6.f.).

The law provides that women shall be equal to men; however, according to statistics, women have been affected disproportionately by growing unemployment. By law women are paid the same as men for the same work, although they still are victimized by societal discrimination. There are a significant number of female managers in the public sector and in banking. The president of the country's largest bank is a woman.

Children.—There is extensive legislation designed to protect children, including extended paid maternity leave and government supplementary payments for families with many children. Free, basic education is compulsory for 9 years, and may be followed by either technical school or further study leading to higher education.

The requirement can change at the discretion of the Minister of Education or budgetary constraints. During the year, many inadequately funded schools in the countryside started charging parents for their children's education. While not technically illegal, it runs counter to the educational guarantees of the government. This resulted in many children being kept at home by their parents. Children are sent to work in the fields or to find other work in violation of the child labor laws. Some credible estimates state that as many as 25 percent of the students in the countryside are no longer in school. The health system devotes extensive resources to childcare.

There are no statistics on child abuse, but it is believed to be widespread. Observers allege that women begging on the streets of Chisinau often sedate their babies in order to spend long hours begging without having to take time out to attend to their babies' needs. Child support programs suffer from inadequate funding.

The situation of children in the country's orphanages is generally very bad. Official estimates put the number of orphans at about 10,000, although NGO's estimate up to 30,000 children. Among the major problems are insufficient food, warehousing of children, lack of heat in the winter, and disease. Most of these problems are caused by lack of funding. One orphanage director lost his job for selling the food earmarked for the children on the black market. He also was rumored to have sterilized forcibly a teenage girl in his care.

Homeless children live on the streets of Chisinau and other large urban areas. Reliable statistical information is not available, although estimates were as high as 1,000 in 1998.

The Ministry of Internal Affairs announced in December 1999 that it had uncovered a network trafficking children for purposes of adoption between Moldova and Uzbekistan. According to the Ministry, 18 children, most of them under one year of age, were sold in Tashkent during 1998 and 1999 for an average price of between approximately \$2,000 and \$3,000 (approximately 25,000 " 37,000 Moldovan lei). The Ministry of National Security stopped a similar ring that trafficked children between Moldova and Israel in 1995.

Trafficking in girls for forced prostitution between the ages of 15 to 18 years is a very serious problem (see Sections 6.c. and 6.f.).

People with Disabilities.—There is no legal discrimination against persons with disabilities; however, there are no laws providing for access to buildings, and there are few government resources devoted to training persons with disabilities. The Government does provide tax advantages to charitable groups that assist the disabled.

Religious Minorities.—There were no reports during the year of incidents such as that in May 1999 when a group of about 500 Orthodox Christians led by 4 to 6 priests attacked a small group of Baptists in the village of Mingir, injuring 3 persons, and partially destroying a Baptist church.

National/Racial/Ethnic Minorities.—According to the 1989 census, the population is about 4.3 million, of which 65 percent are ethnic Moldovans. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, lives primarily in the southern regions of the country. The Gagauz are largely Russian-speaking and represent about 3.5 percent of the population. Official statistics put the Roma population at 11,600, although estimates from the OSCE and Roma NGO's range from 50,000 to 200,000. The Government announced in September that it would allocate money from the budget to conduct a national census in 2001; however, no action had been taken by year's end.

The issue of minority rights and the language issue are closely related, particularly in the perceptions of the Russian speaking minority and the Moldovan/Romanian speaking majority. Moldovan/Romanian was declared at independence to be the state language; however, in 1989 Russian was designated a language for interethnic communication. The 1990 citizenship law offered an equal opportunity to all persons residing in the country at the time of independence to adopt Moldovan citizenship. The OSCE's Office of Democratic Institutions and Human Rights described the law as very liberal. A new law permitting dual citizenship went into effect in August. According to this law, dual citizenship can be obtained through birth, marriage, on the basis of a bilateral agreement (although no such agreements are in effect), or if it is provided by an international accord to which the country is a party. Naturalization requirements of the new law include a "sufficient knowledge" of the state language and constitution.

Parliament has postponed indefinitely the implementation of language testing, which was called for in the 1989 language law and was to have begun by 1994. According to the law, a citizen should be able to choose which language to use in dealing with government officials or commercial entities. Officials are required to know Russian and Moldovan/Romanian "to the degree necessary to fulfill their profes-

sional obligations.” Since many Russian speakers do not speak Moldovan/Romanian (while most educated Moldovans speak both languages), they argued for a delay in the implementation of the law in order to permit more time to learn the language. The Constitution provides parents with the right to choose the language of instruction for their children.

In October 1999, the Parliament approved the Government’s decision to grant district status to Taraclia, a region in the south with a 64 percent ethnic Bulgarian majority. The vote reversed the results of the territorial-administrative reform begun in January 1999, which had eliminated Taraclia’s district status and subsumed it under a region where Bulgarians would no longer constitute a majority. Voters in the Taraclia district approved a referendum in January 1999 specifying they not be included in the larger district, with 88 percent of eligible voters participating and 92 percent voting in favor of the referendum.

In the separatist Transnistrian region discrimination against Moldovan/Romanian speakers continued. State schools are required to use the Cyrillic alphabet when teaching Romanian. Many teachers, parents, and students objected to the use of the Cyrillic script to teach Romanian. They believe that it disadvantages pupils who wish to pursue higher education opportunities in the rest of the country or in Romania. (Cyrillic script was used to write the Romanian language in Moldova until 1989, since “Moldovan,” as it was then called, was decreed officially during the Soviet era to be a different language from Romanian, which is written in the Latin alphabet. The 1989 language law reinstated obligatory use of the Latin script. As a result of an agreement between the Government and the separatist authorities, eight schools in the separatist region obtained permission in 1996 to use the Latin alphabet, with salaries and textbooks to be supplied by the Moldovan Ministry of Education. These schools are considered private schools by the local authorities. They must pay rent for their facilities and meet local curriculum requirements, building codes, and safety standards. The Government still has no budgetary provisions to pay the high rents of such facilities. As a result, classes were held in local homes or run in shifts in the few available buildings.

After delaying its opening and threatening to keep it closed, separatist authorities allowed the Romanian Language School (Latin alphabet) in Tiraspol to open in September 1999 without restriction from the authorities. The Ministry of Education and the Romanian government supplied books to the school and the UNHCR provided furniture and vehicles. The school is running three to four shifts per day to accommodate the number of students.

Section 6. Worker Rights

a. The Right of Association.—The 1990 Soviet law on trade unions enacted by Moldova’s then-Supreme Soviet remains in effect and provides for independent trade unions. Laws passed in 1989 and 1991, which give citizens the right to form all kinds of social organizations, also provide a legal basis for the formation of independent unions. The 1994 Constitution states that any employee may found a union or join a union that defends workers’ interests. However, there have been no known successful attempts to establish alternate trade union structures independent of the successor to the Soviet trade union system.

The successor organization is the General Federation of Trade Unions (GFTU). The GFTU’s continuing role in managing the state insurance system and its retention of former official union headquarters and vacation facilities provide an inherent advantage over other groups who might wish to form a union. The growing dissatisfaction with the GFTU’s policies resulted in several splits within the organization; however, these informal splinter groups have been unsuccessful in forming a new independent union. Virtually all employed adults are members of a union.

Government workers do not have the right to strike, nor do those in essential services such as health care and energy. Other unions may strike if two-thirds of the members vote for a strike in a secret ballot. There were several labor actions for payment of wage arrears, including a number of strikes by teachers, health care workers, and spouses of police officers in various parts of the country.

Unions may affiliate and maintain contacts with international organizations. The GFTU became a member of the International Confederation of Trade Unions in 1999.

b. The Right to Organize and Bargain Collectively.—The law, which is based on former Soviet legislation, provides for collective bargaining rights; however, wages are set through a tripartite negotiation process involving government, management, and unions. The three parties meet and negotiate national minimum wages for all categories of workers. Then each branch union representing a particular industry negotiates with management and the government ministries responsible for that industry. They may set wages higher than the minimum set on the national level and

often do, especially if the industry in question is more profitable than average. Finally on the enterprise level, union and management representatives negotiate directly on wages. Again they may set wages higher than negotiators on the industry level.

There were no reports of actions taken against union members for union activities. The 1990 Soviet law on trade unions provides that union leaders may not be fired from their jobs while in leadership positions or for a period after they leave those positions. There were no reports of such firings this year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced and compulsory labor, and it generally is not known to occur; however, trafficking in women is a very serious problem (see Section 6.f.). The Government specifically prohibits forced and bonded labor by children; however, trafficking in girls for purposes of forced prostitution is a very serious problem (see Section 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for unrestricted employment is 18 years. Employment of those between the ages of 16 and 18 is permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. The Ministry of Labor, Social Protection, and the Family is primarily responsible for enforcing these restrictions, and the Ministry of Health also has a role. Child labor is not used in industry, although children living in rural areas often assist in the agricultural sector. Education is compulsory for 9 years (see Section 5). The Government specifically prohibits forced and bonded labor by children; however there were reports of trafficking in girls (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—There is a legal minimum monthly wage of \$9 (100 Moldovan lei), for those employed by the state and \$12.75 (150 Moldovan lei) for those employed by private firms, but this is used primarily as a basis for calculating pensions, scholarships, and fines. The average monthly wage of approximately \$33 (410 Moldovan lei) does not provide a decent standard of living for a worker and family. The lowest wages are in the agricultural sector, where the monthly average is approximately \$17 (216 Moldovan lei). Due to severe budgetary constraints, the Government and private sector often do not meet payrolls for employees, and workers conducted labor actions to protest wage arrears several times during the year (see Section 2.b.). The Constitution sets the maximum workweek at 40 hours, and the Labor Code provides for at least 1 day off per week.

The State is required to set and check safety standards in the workplace. The unions within the GFTU also have inspection personnel who have a right to stop work in the factory or fine the enterprise if safety standards are not met; however, this right is rarely exercised. Further, workers have the right to refuse to work, but they may continue to draw their salaries if working conditions represent a serious threat to their health. However, in practice the depressed economic situation has led enterprises to economize on safety equipment and generally to show little concern for worker safety issues. Workers often do not know their rights in this area. The Ministry of Labor reported 83 serious industrial injuries, 38 of which resulted in death during the year. The Ministry of Labor has announced it will publish a new statistical report on labor standards in April 2001.

f. Trafficking in Persons.—The law does not prohibit trafficking and it cannot be prosecuted under other statutes, and trafficking in women and girls is a very serious problem (see sections 5 and 6.c.). The new criminal code under consideration in Parliament does contain a prohibition on trafficking in persons. Although no statistics are available, Moldova is a source country for women and girls, who are trafficked to various locations, including Turkey, Greece, Italy, Kosovo, and Israel for forced prostitution. The International Organization for Migration (IOM) reports that more than 50 percent of the women working in forced prostitution in Kosovo are from Moldova. Turkey deports approximately 2,500 Moldovan women for prostitution yearly. Women and girls reportedly are trafficked to Italy and Greece through Romania, Serbia-Montenegro, and Albania. There are also reports that women are trafficked to Syria, Saudi Arabia, Portugal, France, Spain, and the Former Republic of Yugoslavia. A prominent women's rights activist and member of Parliament states that more than 10,000 Moldovan women are working as prostitutes in other countries. The large profits of the trafficking industry allow traffickers to exploit opportunities for the corruption of officials. There have been unsubstantiated reports by local NGO's of involvement by government officials; however, no official charges have been made. Women and girls accept job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. Then traffickers take their passports, require them to "repay" a sizeable sum, and force them into sexual bondage. It is common for traffickers to recruit women from rural villages; the women are brought to larger cities and then trafficked abroad.

Apart from a 1999 documentary shown on state television the problem, the Government has taken few steps to prevent the trafficking of women or to assist victims; however, it slowly is beginning to address the problem. In addition to participating in a Southeast European Cooperative Initiative (SECI) Human Trafficking Task Force, the Government started a working group in May to implement a project of the IOM on trafficking in women and girls. The group consists of the Vice-Prime Minister, the Ministers of Labor, Justice, and External Affairs, and three Parliamentarians involved in women's issues. The group created a special law enforcement unit within the Ministry of Internal Affairs, during the year. The Ministry of Internal Affairs proposed strengthening laws against trafficking in women in the new criminal code; however, the amendment had not yet been sent to Parliament by year's end. There are no government-operated assistance programs for victims.

Several NGO's made efforts, with foreign assistance, to combat the problem through information campaigns and job training for women. Save the Children works with victims, especially repatriated girls. There are also local NGO's involved in public school programs to educate young women about the dangers of prostitution and to establish a hot line for those in need of advice. The IOM established an office in Chisinau in January.

MONACO

Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are the Counselor for the Interior (who is usually French), the Counselor for Public Works and Social Affairs, and the Counselor for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 18-member National Council. In addition, there are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions.

In addition to the national police force, the "Carabiniers du Prince" carry out security functions. Government officials control both forces.

The principal economic activities are services and banking, light manufacturing, and tourism.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 5,000 residents who hold Monegasque nationality. The latter enjoy free education, financial assistance in case of unemployment or illness, and the right to vote and hold elective office. Women traditionally have played a less active role than men in public life, but this is changing; women currently hold both elective and appointive offices.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them. Prison conditions meet or exceed minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to see detainees.

The Government does not use forced exile on its own nationals. However, sometimes it expels non-Monegasque nationals who violate of residency laws or who have committed minor offenses, such as disorderly conduct.

e. Denial of Fair Public Trial.—Under the 1962 Constitution, the Prince delegated his judicial powers to an independent judiciary. The law provides for a fair, public trial, and an independent judiciary respects these provisions. The defendant has the right to be present and the right to counsel, at public expense if necessary. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices and Government authorities generally respect these rights 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 respects these rights in practice. However, the Monegasque Penal Code prohibits public denunciations of the ruling family, a provision that the media respect in practice. Several periodicals are published. Foreign newspapers and magazines circulate freely, including French journals that specifically cover news in the Principality. Foreign radio and television are received without restriction. There are no restrictions in the access to the Internet. Stations that broadcast from the Principality operate in accordance with French and Italian regulations.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the rights of peaceful assembly and association. Outdoor meetings require police authorization, which is not withheld for political or arbitrary reasons. Formal associations must be registered and authorized by the Government.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government respects this right in practice. Roman Catholicism is the state religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Residents move freely within the country and across its open borders with France. Monegasque nationals enjoy the rights of emigration and repatriation. They can be deprived of their nationality only for specified acts, including naturalization in a foreign state. Only the Prince can grant or restore Monegasque nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of cases is very small. There were no reports of the forced return of persons to a country where they feared persecution.

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

Authority to change the government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince plays an active role in Government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He names as well the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government. Each is responsible to the Prince.

Only the Prince may initiate legislation, but the 18-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting. Both political parties currently are represented on the Council. There is one independent member.

The Constitution provides for three consultative bodies. The seven-member Crown Council (composed exclusively of Monegasque nationals) must be consulted by the Prince on certain questions of national importance. He may choose to consult it on other matters as well. The 12-member Council of State advises the Prince on proposed legislation and regulations. The 30-member Economic Council advises the government on social, financial, and economic questions. One-third of its members come from the trade union movement, and one-third from the employers' federation.

Women are active in public service. The Mayor of Monaco, one member of the Crown Council, four members of the National Council, and four members of the Economic Council are women.

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

While the Government imposes no impediments to the establishment or operation of local groups devoted to monitoring human rights, no such groups have been formed. Outside groups have not sought to investigate human rights conditions.

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

The Constitution provides that all Monegasque nationals are equal before the law. It differentiates between rights that are accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded all residents for example, freedom of religion and inviolability of the home.

Women.—Reported instances of violence against women are rare. Marital violence is prohibited strictly and any wife who is a victim may bring criminal charges against her husband. Women are represented fairly well in the professions; they are represented less well in business. The law governing transmission of citizenship provides for equality of treatment between men and women who are Monegasque by birth. However, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Children.—The Government is committed fully to the protection of children's rights and welfare and has well-funded public education and health care programs. The Government provides compulsory free and universal education for children. There is no societal pattern of abuse of children.

People with Disabilities.—The Government mandated that public buildings provide access for the disabled, and this objective has been largely accomplished.

Section 6. Worker Rights

a. The Right of Association.—Workers are free to form unions, but fewer than 10 percent of workers are unionized, and relatively few of these reside in the Principality. Unions are independent of both the Government and the Monegasque political parties. The Monegasque Confederation of Unions is not affiliated with any larger labor organization but is free to join international bodies.

The Constitution provides for the right to strike in conformity with relevant legislation. However, government workers may not strike. Strikes are rare. The last strike occurred in 1996, when the Monegasque Confederation of Unions organized a 1-day work stoppage by bank, transportation, and factory employees.

b. The Right to Organize and Bargain Collectively.—The law provides for the free exercise of union activity. Agreements on working conditions are negotiated between organizations representing employers in a given sector of the economy and the respective union. Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, and it is not known to occur. The Constitution prohibits forced and bonded labor by children and enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old. The Constitution prohibits forced and bonded child labor, and the government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The legal minimum wage for full-time work is the French minimum wage plus 5 percent, that is approximately \$6.90 (42.76 French francs) per hour. The 5 percent adjustment is intended to compensate for the travel costs of the three-quarters of the workforce who commute daily from France. The minimum wage is adequate to provide a decent living for a worker and family. Most workers receive more than the minimum. The legal workweek is 39 hours. Health and safety standards are fixed by law and government decree. These standards are enforced by health and safety committees in the workplace and by the government Labor Inspector.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within or through the country.

THE NETHERLANDS

The Netherlands is a constitutional monarchy with a parliamentary legislative system. Executive authority is exercised by the Prime Minister and Cabinet representing the governing political parties (traditionally a coalition of at least two major parties). The bicameral Parliament is elected through free and fair elections. The judiciary is independent.

Regional police forces are primarily responsible for maintaining internal security. The police, the royal constabulary, and investigative organizations concerned with internal and external security are under effective civilian authority.

The market-based economy is export oriented and features a mixture of industry, services, and agriculture. Key industries include chemicals, oil refining, natural gas, machinery, and electronics. The agricultural sector produces fruit, vegetables, flowers, meat, and dairy products. Living standards and the level of social benefits are high. Unemployment is 2.7 percent; however, long-term unemployment, particularly among ethnic minorities, remains a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Problems include violence and discrimination against women, child abuse, trafficking in women and children, and discrimination against minorities. The Government is taking steps to deal with all of these problems.

Aruba and the Netherlands Antilles, which are two autonomous regions of the kingdom, also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally is little different from that in the European Netherlands. The islands' prison conditions remain substandard.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

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

The Government took steps in 1999 to facilitate the filing of complaints about police behavior, to create uniform complaint procedures, and to ensure that complaints are assessed by an independent committee.

Prison conditions in the Netherlands meet minimum international standards, and the Government permits visits by human rights monitors.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has urged the Governments of the Netherlands, the Netherlands Antilles, and Aruba to improve the "inhuman" conditions in Curacao's Koraal Specht prison and in cell blocks at the police stations on the islands of St. Maarten, Bonaire, and Aruba. The CPT's criticism focused on overcrowding, extremely poor sanitary conditions, poor food, and insufficient ventilation. The Committee also criticized widespread corruption and the mistreatment of prisoners by guards at Koraal Specht. In May the CPT specifically criticized the Government for not doing enough to prevent outbursts of violence among prisoners—including sexual assaults—and the use of riot police to guard prisoners at the Koraal Specht prison.

The Dutch Government repeatedly offered financial assistance to the Government of the Netherlands Antilles for the construction of a new juvenile wing, a maximum security facility, and other improvements at Koraal Specht. The Government also sent experts on prison organization and the training of guards. Steady progress has been made in improving conditions (prisoners now have mattresses, hygiene and food have improved, and construction began on a new wing to relieve overcrowding). The entire prison complex is being renovated, and a new facility is being built. The Antillean Government reached agreement with a private company to supply expert personnel who are to reorganize prison management and train mid-level staff during

a period of 1 year. The management team began work on September 1 and is being paid by the Dutch Government. New wardens and security guards also were hired.

The Governments of the Netherlands Antilles and Aruba allow access by non-governmental organizations to prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handles both criminal and civil cases. The Supreme Court acts as the highest appellate court and ensures the uniform interpretation of the law. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low income persons), and to appeal. The law provides for the right to a fair trial, and the independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. State subsidies are provided to religious organizations that maintain educational facilities.

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

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There were no reports of the forced expulsion of those having a valid claim to refugee status. The Government does not provide first asylum as such, but most asylum seekers (86 percent in 1999), except those who obviously came from a “safe country of origin” or stayed for some time in a “safe third country,” are permitted to apply for resident status. In 1999 the Government turned down 75 percent of the asylum requests that were processed. However, up to 30 percent of those whose applications were denied nonetheless were permitted to stay temporarily on humanitarian grounds or as long as their country of origin was considered unsafe.

The Government’s asylum policy is designed to protect genuine refugees while excluding economic migrants and illegal immigrants. In the early 1990’s, the Government adopted several measures to curb the relatively high influx of asylum seekers. This policy initially resulted in the desired decrease, but as other countries adopted even stricter laws, the influx rose again to 45,217 in 1998, a 31 percent increase over 1997. In 1999 the number of asylum seekers fell to 41,306. A new series of harsher rules aims to discourage economic migrants at all stages of the asylum process, by means of a stricter intake, the accelerated processing of asylum requests, limited appeal procedures, and a denial of social assistance to asylum seekers who are screened out. Several of the measures are scheduled to come into effect in 2001.

The Justice Ministry estimates on the basis of interviews with applicants that two-thirds of asylum seekers came to the country via alien smuggling organizations.

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.

No restrictions in law or in practice hinder the participation of women and minorities in government and politics; women are nevertheless underrepresented. A total of 52 of the 150 members of the second chamber of Parliament are women, as are 4 of the 15 cabinet ministers. However, the two Deputy Prime Ministers are

women. The Government pursues an active policy to promote the participation of women in politics and public administration.

Although a minority, women also hold positions in the Parliaments and Cabinets of the Netherlands Antilles and Aruba.

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

Human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

In view of its longstanding tradition of hosting international legal tribunals, the Government facilitated the trial of two Libyans accused of the bombing of PanAm flight 103 on December 21, 1988, which killed 270 persons. By agreement among the parties, the Government provided Camp Zeist to the United Kingdom as an extraterritorial venue for the trial, which began in 1999 and is being conducted under Scottish law. The trial continued at year's end.

The Government also hosts the International Criminal Tribunal for the Former Yugoslavia and the headquarters of the International Criminal Tribunal for Rwanda.

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

The Constitution bans discrimination on the basis of any of these factors or political preference. The Government generally is effective in enforcing these provisions. Under the Equal Treatment Act, complainants may take offenders to court under civil law.

Women.—Violence against women is a problem. A recent report by the Utrecht University's human rights department showed that about 1 out of 25 women, particularly of ethnic minority groups, are victims of violence by their former and present partners. Each year 60 to 80 women and 40 children die of domestic violence.

The Government supports programs to reduce and prevent violence against women. Battered women find refuge in a network of 48 government-subsidized shelters offering the services of social workers and psychologists. In addition battered women who leave their domestic partners become eligible for social benefits, which include an adequate basic subsidy as well as an allowance for dependent children. Nongovernmental organizations also advise and assist women who are victims of sexual assault. Marital rape is a crime and carries the same penalty as nonmarital rape, a maximum of 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery.

In addition to helping victims of sexual abuse, the Government has pursued an active prevention campaign through commercials and awareness training of educators. A recent evaluation showed that, on average, the campaign positively influenced two-thirds of the population.

Prostitution is legal, and since 1999 the law no longer treats "organizing the prostitution of somebody else" as a crime when done with the consent of the prostitute. However, any form of forced prostitution remains punishable. All brothels now require licenses issued by local governments with strict conditions to be observed by brothel owners. The Government's assumption is that by decriminalizing prostitution, licensing brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, prostitution would be less susceptible to criminal organizations trafficking in women and children. An additional advantage is that the licensing system would make prostitution more transparent and easier for the police to monitor. Between 20,000 and 30,000 individuals are employed in prostitution. It is estimated that half of all prostitutes originate in non-European Union countries and are residing illegally in the country. Trafficking in women for the purpose of forced prostitution remains a problem, which the Government is giving priority to fighting (see Section 6.f.).

The law requires employers to take measures to protect workers from sexual harassment; research shows that about 245,000 women, or 6.6 percent of the female working population, are confronted with sexual intimidation in the work place each year. The Government funds an ongoing publicity campaign to increase awareness of the problem. As the largest employer, it has taken measures to counter harassment among civil servants, for example, in the police force.

Women increasingly are entering the job market, but traditional cultural factors and an inadequate number of day care facilities tend to discourage them—especially women with young children—from working. One-third of women stop working after

the birth of their first child. The participation of women in the labor market increased significantly in the last 25 years, from 29 percent of the working-age female population in 1975 to 58 percent in 2000. The Government wants to raise this figure to at least 65 percent in 2010 through various measures, including an expansion of child care facilities and special leave programs. About 42 percent of women hold part-time jobs. In 1998 the Government established favorable conditions for part-time employment by adopting a law that prohibits employers from treating part-time workers differently from those in full-time jobs.

Women often are underemployed and have less chance of promotion than their male colleagues. They often hold lower level positions than men, mostly because of their part-time status. According to the Ministry of Social Affairs and Employment, the difference in earnings between men and women is 23 percent. Some women nevertheless are making steady progress by moving into professional and high-visibility jobs.

In 1988 the Government started affirmative action programs for women. Collective labor agreements usually include one or more provisions to strengthen the position of women. Legislation mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated Equal Treatment Commission actively pursues complaints of discrimination in these areas as well as allegations of pay discrimination.

The social welfare and national health systems provide considerable assistance to working women with families. Women are eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law allows parents to take (unpaid) full-time leave during 3 months and to extend the leave over a period longer than 6 months to care for children up to 8 years old. Persons working fewer than 20 hours per week also are entitled to parental leave.

Children.—The Government works to ensure the well-being of children through numerous well-funded health, education, and public information programs. The Council for the Protection of Children, operated through the Ministry of Justice, enforces child support orders, investigates cases of child abuse, and recommends remedies ranging from counseling to withdrawal of parental rights. The Government also maintains a popular hot line for children and a network of pediatricians who track suspected cases of child abuse on a confidential basis.

An estimated 50,000 children are victims of child abuse each year, although only approximately 15,000 formal reports of child abuse are registered. As a result of abuse, 40 children died in 1998. The U.N. Commission on Children's Rights in 1999 questioned the Government about its performance in this area. In particular the United Nations questioned the long waiting list for assistance to abused children. Approximately 7,000 abused children are on the waiting list.

The age of consent is 16. Sexual intercourse with minors under age 12 always constitutes a criminal offense; in cases involving minors between the ages of 12 and 16, an interested party must file a complaint. The new prostitution law imposes heavier penalties on prostitution activities involving minors. Maximum penalties vary between 6 years' imprisonment for sex with minors (in the context of prostitution) under age 18, 8 years for sex with minors under 16 years of age, and 10 for sex with minors under 12 years. International sex tourism involving the abuse of minor children is prosecutable. Since 1996 several Dutch citizens have been tried and convicted for the abuse of minors in other countries.

Trafficking in female African youths for the purpose of prostitution is a problem (see Section 6.f.).

The maximum penalty for child pornography is 4 years' imprisonment and 6 years in the event of financial gain. The law allows for provisional arrest, house searches, and criminal financial investigations. The mere possession of child pornography is punishable, but exemptions are made for scientific or educational use. However, these exemptions caused some problems with two child pornographic collections claimed to be of historic value. The age at which minors are allowed to act in pornographic movies was expected to be raised shortly from 16 to 18 years.

The Government has begun a national offensive against child pornography on the Internet. The police monitored the Internet in a year-long pilot project that ended in August. Another police investigation showed that child pornography on the Internet has increased. The police discovered that a large portion of new photographs are processed digitally into pornographic material. The law does not yet include a provision to fight this new form of child pornography. The current law is aimed at the abuse of children, but the children shown on the manipulated pictures in fact have not been abused.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Local governments increasingly mandate access to public buildings for the disabled.

Religious Minorities.—There were a number of complaints about anti-Semitism on Internet sites set up by Dutch citizens.

National/Racial/Ethnic Minorities.—The traditionally homogeneous nature of society has changed in recent decades due to the influx of immigrants and asylum seekers who make up about 9 percent of the population. Despite comprehensive policies to promote the integration of racial and ethnic minorities, integration remains a problem. In general citizens are averse to discrimination and unequal treatment and support integration. Society has become increasingly alert to racial discrimination, and various organizations monitor violations.

The Government pursues an active campaign aimed at increasing public awareness of racism and discrimination. According to the latest statistics, 112 persons or organizations were tried on discrimination charges in 1997 (latest statistics available). The chief public prosecutor set up the National Expertise Center on Discrimination in 2000 to improve the prosecution's handling of discrimination cases.

A central government organization was set up in 1999 to fight racial discrimination and to collect nationwide statistics on incidents of discrimination, but it has yet to work out a uniform system. The 29 local antidiscrimination bureaus together registered about 3,000 complaints per year in recent years. Many complaints concern discrimination in the workplace.

In 1998 the Equal Opportunities Committee received 104 complaints relating to race or nationality and ruled in 53 cases of discrimination. Its rulings on such issues as headscarves, dismissal, accent, and language requirements are of major importance because they are applied widely. Most complaints concerned the labor market, including denial of promotion, discrimination in the work place, unequal pay, and dismissal.

At the request of the Ministry of Internal Affairs, the University of Leiden each year investigates the extent of rightwing and racist violence. It reported an increase from 201 registered incidents in 1996 to 313 in 1998, but it assumed that the problem is more widespread because many cases remain unregistered. The 313 cases in 1998 were subdivided as follows: Threats 157; abuse 41; painting slogans 41; vandalism 27; bomb threat 23; other 24. Only a limited number of incidents can be attributed to rightwing extremism: about 19 percent of the 313 cases in 1998. However, that percentage was much higher in the past, which may be connected with the steady decline in membership of rightwing groups from about 1,400 in 1997 to some 600 in 1999. Most of the racist violence is committed at random and arbitrarily by youths often under the influence of alcohol. The culprits rarely are tracked down. In 1998 the culprits were identified in only 22 of the 313 cases. Only half of all discrimination cases are prosecuted.

Immigrant groups also face some discrimination in housing and employment. These groups, concentrated in the larger cities, suffer from a high rate of unemployment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average.

The 1998 Act on the Stimulation of Labor Participation by Ethnic Minorities is intended to increase job opportunities for ethnic minorities. It requires employers with a work force of over 35 persons to register their non-Dutch employees. Employers are to strive for a composition of their work force that reflects the regional working population. They must submit their annual social action plans, including recruitment targets, to the regional labor bureaus. The Labor Inspectorate oversees implementation of the law. Despite these efforts, unemployment among ethnic minorities is still about four times higher than within the ethnically Dutch workforce. In May the U.N. Committee on the Elimination of Racial Discrimination criticized the Government for not doing enough to prevent discrimination in hiring. It recommended that the Government take steps to reduce segregation in schools and create a police force whose composition reflects the entire population.

A campaign beginning in April, in which several ministries, government job centers, and the Dutch small business association pledged to find jobs for some 20,000 persons from ethnic minorities before May 2001, had succeeded in recruiting just 240 persons by the end of August.

With the proliferation of Internet web sites, the dissemination of racial and discriminatory material on Internet has also increased. The privately run Discrimination on the Internet Registration Center received 181 complaints in 1999 about 360 controversial statements, subdivided by category as follows: Racism 147, anti-Semitism 91, denial of the Holocaust 21, sexual preference 46, religion 15, discrimination against asylum seekers 12, incitement to violence 6, and "other" 19. It also investigates web sites and home pages on its own. Over 70 percent of the statements are

removed voluntarily at the Center's request. In 2 cases in 1999, the Center requested that criminal proceedings be initiated; such a request was still under review in 18 other cases; and another 25 cases were being prepared. Four cases were passed on to the Government's antidiscrimination office for action.

Section 6. Worker Rights

a. The Right of Association.—Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Workers are entitled to form or join unions of their own choosing without prior government authorization, and unions are free to affiliate with national trade union federations. This right is exercised freely.

Unions are free of control by the Government and political parties. Union members may and do participate in political activities.

All workers have the right to strike, except for most civil servants who have other institutionalized means of protection and redress. Industrial relations are very harmonious, and strikes are infrequent. In 1999 some 75 labor days per 1,000 workers were lost, mostly over union demands for higher pay and a 36-hour workweek. By law retribution against striking workers is prohibited.

About 28 percent of the work force is unionized, but union-negotiated collective bargaining agreements usually are extended to cover about three-quarters of the work force. The white-collar unions' membership is the fastest growing.

The three union federations are active internationally, without restriction.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is recognized and well established. Discrimination against workers because of union membership is illegal and does not occur.

Collective bargaining agreements are negotiated in the framework of the "Social Partnership" developed between trade unions and private employers. Representatives of the main union federations, employers' organizations, and the Government meet each autumn to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions lead to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sectors negotiate sectoral agreements, which the Government usually extends to all companies in the sector.

Antiunion discrimination is prohibited. Union federations and employers' organizations are represented, along with independent experts, on the Social and Economic Council. The Council is the major advisory board for the Government on policies and legislation regarding national and international social and economic matters.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited by the Constitution and generally does not occur; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Mandatory attendance at school ends at age 16, or after at least 12 years of education. Those still in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working at night, overtime, or in areas dangerous to their physical or mental well-being. Anyone working more than 4.5 hours per day is entitled to a 30-minute break. The laws are enforced effectively by the tripartite Labor Commission, which monitors hiring practices and conducts inspections.

Holiday work and after school jobs are subject to very strict rules, which are set in the Work Time Act, the Child Labor Regulation (for children under age 16), and the Working Conditions Decree. Observance of the rules is overseen by the Social Ministry's Labor Inspection Office. Although child labor is banned, an increasing number of children work for pay during holidays. The parents of such children are to be reported officially by labor inspectors, and the Public Prosecutor may decide to prosecute the parents for violating the ban on child labor. In 1999 the labor inspections showed that one out of four companies violated the regulations applying to holiday work, including by employing children under age 13.

The law prohibits forced and bonded labor by children, and this prohibition is enforced effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage for adults is established by law and can be adjusted every 6 months to changes in the cost-of-living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage is about \$1,000 (2,448 guilders) per month. For workers earning the minimum wage, employers currently pay \$3,750 a year (6,000 guilders) in premiums for social security benefits,

which includes medical insurance. Only 3 percent of workers earn the minimum wage because collective bargaining agreements, which normally are extended across a sector, usually set a minimum wage well above the legislated minimum. The Government, unions, and employers have taken measures to increase the number of minimum wage jobs and to decrease employers' social payments in order to lower the cost of hiring new workers and to create more jobs, especially for the long-term unemployed.

A reduced minimum wage applies to young persons under the age of 23—one of the groups with the highest rate of unemployment—and is intended to provide incentives for their employment. This wage ranges from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age. The legislated minimum wage and social benefits available to all minimum wage earners provide an adequate standard of living for workers and their families.

Although the law sets a 40-hour workweek, the average workweek for those with full-time jobs is 37^o hours. This workweek is the result of agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. This combination makes it possible to adapt shorter working hours to the specific situation in a particular business or branch of industry.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, are monitored actively by the tripartite Labor Commission. Enforcement is effective. Workers may refuse to continue working at a hazardous work site. The Ministry of Labor and Social Affairs also monitors standards through its Labor Inspectorate.

f. Trafficking in Persons.—The law specifically criminalizes alien smuggling and trafficking in persons, both of which are problems. The maximum sentence for trafficking in persons is 6 years. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years. The maximum sentence for alien smuggling is 8 years.

The Government has an active policy to combat trafficking in persons, including a more aggressive prosecution policy as well as closer international cooperation. A number of police forces have established special units to deal with the problem. The Justice Minister appointed a national rapporteur on trafficking in persons in April. The rapporteur is to study the extent of the problem and report annually to the Government.

The country is a major destination for trafficked women. According to the Justice Ministry, 20,000 to 30,000 persons work in prostitution, about half of them illegal residents from non-EU countries. Many come from Colombia, the Dominican Republic, Eastern Europe, and Nigeria. The Foundation Against Trafficking in Women estimates that each year some 3,000 women and girls are brought into the country for the purpose of prostitution. With the introduction of the new prostitution law, which prohibits the employment of prostitutes in the country illegally, the Government seeks to intensify the fight against criminal organizations trafficking in women and children (see Section 5).

In 1998 a ruling was obtained under the Aliens Law to prevent illegal residents, who may have become victims of trafficking, from being expelled before investigations are completed. Victims are allowed 3 months to consider pressing charges. Victims who do so are allowed to stay in the country until the judicial process is completed. During this period, victims receive legal, financial, and psychological assistance. In special circumstances, residence permits are granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes returning to their native countries are eligible for temporary financial assistance.

African women, in particular those from Nigeria, make up a sizeable portion of foreign women illegally working as prostitutes. According to the authorities, the most widely used ploy for trafficking African women is the fraudulent use of special asylum procedures for minors, who are virtually ensured entry. Although most such women are not actually under age 18, all claim to be. Once at the open-door asylum center, they remain for a few days and then disappear, only to turn up later as prostitutes in the country or elsewhere in Europe. Most such young African women are under extreme pressure to work as prostitutes. According to the Terre des Hommes organization, their families have signed contracts with trafficking organizations, often sanctioned by "voodoo" priests. The girls strongly believe in the magical power of voodoo.

A Dutch study of prostitutes from Central and Eastern Europe shows that five out of six, "liberated" from trafficking organizations in the Netherlands, knew exactly that they were to be employed in the sex industry when they accepted the offer of their recruiters. Some 40 percent already had worked as prostitutes in their native country. The study concluded that most such women came to the Netherlands

voluntarily, and only after their arrival, did they become victims of their traffickers. They are often treated as slaves: intimidated, threatened, and locked up.

NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as the Head of State. It is governed by a prime minister, cabinet, and a 165-seat Storting (Parliament) that is elected every 4 years and cannot be dissolved. The judiciary is independent.

The national police have primary responsibility for internal security, but in times of crisis, such as internal disorder or natural catastrophe, the police may call on the armed forces for assistance. In such circumstances, the armed forces are always under police authority. The civilian authorities maintain effective control of the security forces.

Norway is an advanced industrial state with a mixed economy combining private and public ownership that provides a high standard of living for residents. The key industries are oil and gas, metals, engineering, shipbuilding, fishing, and manufacturing (including fish processing equipment). The leading exports are oil and gas, manufactured goods, fish, and metals. During the year, 80.6 percent of workers were in the service sector (including public service), and 13.3 percent were in the manufacturing sector.

The Government generally respected the rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Violence against women and abuse of children are problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

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

The Government in the past has been criticized for its practice of indefinite detention, often in solitary confinement with restricted communications, for suspects during the investigation of criminal cases (most recently in September 1999 by the Council of Europe's Committee for the Prevention of Torture). Restrictions were used sometimes to pressure prisoners to be more cooperative during investigations. In response to international criticism, the Government was reevaluating its practices and by year's end had made some changes. In September the Government tightened the requirements for restricting prisoners' communications and visitation rights. In June two working groups commissioned by the Ministry of Justice presented their recommendations for a more comprehensive reform of the practice. The reports will form the basis for a white paper, which is expected to be presented to the Parliament in 2001. Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

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

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

The court system consists of the Supreme Court, the Supreme Court Appellate Court (committee), superior courts, county courts for criminal cases, magistrate courts for civil cases, and claims courts. Special courts include the Impeachment Court (composed of parliamentarians), the labor court, trusteeship courts, fishery courts, and land ownership severance courts.

All courts, some of which date to laws passed in the 11th century, meet internationally accepted standards for fair trials, including providing counsel to the indigent. The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Both the Constitution and the law prohibit such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government generally respects them in practice.

In August a small, previously unknown neo-Nazi group was denied permission to stage a Rudolf Hess commemorative march in downtown Oslo; the group then staged an illegal march in the nearby town of Askim; a counter demonstration by 15,000 persons took place in Oslo on August 19.

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

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the State, and to which 93 percent of the population nominally belong. The Constitution requires that the King and one-half of the Cabinet belong to this church. The relationship between church and State is increasingly debated by the public. The Workers' Protection and Working Environment Act permits prospective employers to ask applicants for employment in private or religious schools, or in day care centers, whether they respect Christian beliefs and principles.

In July 1998, the Government suspended two priests in the Church of Norway and asked the courts for approval legally to terminate their priesthood due to insubordination and disloyalty. The priests openly refused to accept religious and spiritual guidance from their bishop, with whom they were in disagreement on a number of social issues (such as gay rights). In January 2000, the Alta district court ruled that the priests' employment could not be terminated legally. Upon taking office in March, the new Labor Party Government appealed the ruling to a higher regional court, which had not ruled by year's end.

Other denominations operate freely. A religious community is required to register with the Government only if it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership. In 1995 the Parliament introduced the subject "religious knowledge and education in ethics" into the national school system. The class teaches the ethical values of Christianity, as well as Christian beliefs and the main features of Christianity. All children must attend this mandatory class; there are no exceptions for children of other faiths. Organizations for atheists as well as Muslim communities have contested the legality of forced religious teaching, but the Oslo city court twice has ruled against their arguments. The case was being tried in a regional appellate court. Because of its potential for setting a precedent, the case is expected to go ultimately to the Supreme Court. Workers belonging to minority denominations are allowed leave for their religious holidays.

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

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government grants refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

During the year, the Government granted protective residency to 8,231 persons. The total included: Political asylum for 97 persons; temporary collective residency permits for 2,019 Iraqi Kurds; individual residency permits for 2,856 persons; and asylum as U.N. quota refugees for 1,485 persons. Immigration authorities rejected 4,899 applications for protective residency. In addition 1,778 persons received residency status through a family reunification program.

The collective 1-year residency permits that were granted to Kosovar Albanians in 1999 expired in August 2000, and all members of this group were encouraged to return to Kosovo voluntarily. The Government gives financial aid for repatriation to all Kosovar Albanians who do so. Of almost 8,000 Kosovar Albanians who sought refuge in Norway during and after NATO's campaign in Kosovo, 1,500 returned voluntarily in 2000 (3,600 returned voluntarily in 1999). Of those who had previously gone back to Kosovo, 1,063 came back to Norway once again in 2000. When the collective residency permits expired, the Kosovar Albanians could apply for individual permits—and most did. By year's end, most had been rejected. However, in October all Kosovar Albanian families with small children were granted so-called postponed implementation of deportation until after March 1, 2001. The decision was based on complaints made by the UNHCR and other onsite U.N. agencies in October 2000 that Kosovo could not handle a major influx of returning refugees before the winter.

However, as the March 1 extension deadline passes, a mass repatriation of Kosovar Albanians is expected in the spring and summer of 2001.

There were no reports of the forced expulsion of persons with a valid claim to refugee status or of persons being forcibly returned to countries where they feared persecution.

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

The law provides citizens with the right to change their Government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women are increasingly well represented at all levels of government. However, no restrictions in law or practice hinder their participation. Women lead 8 of the 18 government ministries. They hold 60 of the 165 seats in Parliament (36.4 percent), chair 5 of 12 standing committees in Parliament, and lead 2 of the 6 main political parties. A woman heads the Parliament.

In addition to participating freely in the national political process, in 1997 Norwegian Sami (formerly known as Lapps) elected their own constituent assembly, the Sameting, for the third time. Under the law establishing the 39-seat body, the Sameting is a consultative group which meets regularly to deal with "all matters which in [its] opinion are of special importance to the Sami people." In practice the Sameting has been most interested in protecting the group's language and cultural rights and in influencing decisions on resources and lands where Sami are a majority.

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

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

When the new Labor Government took office in March, the Prime Minister transferred the human rights portfolio from the Ministry of Development, Cooperation, and Human Rights to the Ministry of Foreign Affairs. The new Government reversed the previous government's decision to appoint a minister for human rights issues. In 1999 the previous government presented a white paper to the Parliament on human rights, which addresses how the country can improve the state of human rights both domestically and internationally. On November 2, 2000, the Parliament's committee on foreign affairs supported the previous government's proposal and stressed the importance of incorporating human rights into law and society in general. The white paper was debated and passed in Parliament on November 14. It then was sent back to the respective ministries for implementation.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, and the Government enforces this prohibition in practice.

Women.—Violence against women is a problem. Public and private organizations run several shelters that give battered women an alternative to returning to a violent domestic situation. In 1999 the country's 14 shelters registered 9,183 overnight stays. In addition 967 other women contacted the shelters for advice or counseling. During the year, 555 rapes were reported, along with 126 attempted rapes. The police believe that increases in reported rapes and domestic abuse in recent years have been largely due to greater willingness among women to report these crimes. The police vigorously investigate and prosecute such crimes. They also instituted special programs to prevent rape and domestic violence and to counsel victims.

The rights of women are protected under the 1978 Equal Rights Law and other regulations. According to that law, "women and men engaged in the same activity shall have equal wages for work of equal value." However, the equal rights ombudsman's office, which monitors enforcement of the law, confirms that women generally receive 10 to 15 percent less pay and benefits than men for work of "equal value."

The equal rights ombudsman processes complaints of sexual discrimination. In 1999 there were 254 written complaints and 393 telephone inquiries to the ombudsman. Women filed 40 percent of the complaints, men 28 percent, organizations 23 percent, and the remainder were filed by the ombudsman's office. The increase in men filing complaints is related to an increase in postdivorce child custody cases.

In 1995 the Parliament adopted a harassment amendment to the Working Environment Act, which states that "employees shall not be subjected to harassment or other unseemly behavior." Employers who violate these provisions, including the

harassment clause, are subject to fines or prison sentences of up to 2 years, depending on the seriousness of the offense.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of education and medical care. The Government provides education for children through the postsecondary level. There is no difference in the treatment of girls and boys in education or health care services. An independent Children's Ombudsman Office, within the Ministry of Children and Families, assures the protection of children in law and in practice.

Abuse of children is a problem. A total of 191 sexual assaults on children by non-family members were reported, along with 96 such assaults by family members. The latter is a substantial decrease from the 153 cases reported in 1999. Children's rights advocates have expressed concern that authorities may have found investigation of these crimes so difficult that they have not pursued investigations in some legitimate cases. The Government is examining this problem. In 1999 welfare services assisted 23,800 abused or neglected children (2.1 percent of children under 18). Of these, 4,950 received assistance in the home (such as financial assistance, guidance and support for parents, or temporary stays at respite homes).

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to public buildings for people with disabilities, and the Government enforces these provisions in practice.

Indigenous People.—Apart from a tiny Finnish population in the northeast, the indigenous Sami constituted the only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect Sami cultural rights by providing Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for newspapers and books oriented toward the Sami. In a rare political statement in October 1999 at the opening of the third Sami Parliament, King Harald V publicly apologized to the Sami people for repression under Norwegian rule. In 1997 the Government created the position of Deputy Minister in the Ministry of Local Government and Regional Affairs to deal specifically with Sami issues. When the Labor Party Government took office in March, new State Secretary Steinar Pedersen—of Sami origin like his predecessor—took over responsibility for coordinating government policies for the Sami minority.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to associate freely and to strike. The Government changed the wage negotiating process in 1996, shifting negotiations from the national to the local and company level. During the year, almost 100,000 workers in the private and public sectors went on strike, an 80-year high. The strikes were settled mainly through negotiations, although compulsory arbitration was used to settle a 2-week oil workers' strike. The strikers achieved the largest wage settlement in many years and also obtained a fifth week of annual leave.

The Government has the right, with the approval of the Parliament, to invoke compulsory arbitration under certain circumstances. The Government came under increasing criticism in 1995 for resorting to compulsory arbitration too quickly during strikes. In addition this procedure, which was also invoked several times in the 1980's, particularly in the oil industry, was criticized repeatedly by the Committee of Experts of the International Labor Organization, which argued that the situations were not a sufficient threat to public health and safety to justify invoking compulsory arbitration. The Supreme Court is reviewing a case that will allow it to rule on whether the national process in this regard violates the country's international commitments.

After the 1998 wage negotiations, the Government appointed a committee with representatives from all employer organizations and employee unions to look at the present practice of using compulsory arbitration in especially difficult labor conflicts. Its mandate is to provide a new system for handling labor conflicts and wage negotiations, and avoid situations in future labor conflicts that could lead to the use of compulsory arbitration. The committee is expected to present its proposal by April 1, 2001. The Ministry of Regional Affairs takes the position that it is not the legislation itself that needs to be amended, but the way in which this legislation is interpreted by the parties in labor conflicts and implemented by the Government.

With membership totaling about 60 percent of the work force, unions play an important role in political and economic life, and the Government consults them on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions and labor federations are free of party and government control.

Unions are free to form federations and to affiliate internationally. They maintain strong ties with such international bodies as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—All workers, including government employees and military personnel, exercise the right to organize and bargain collectively. Collective bargaining is widespread, with most wage earners covered by negotiated settlements, either directly or through understandings that extend the contract terms to workers outside the main labor federation and the employers' bargaining group. Any complaint of antiunion discrimination would be dealt with by the Labor Court, but there have been no complaints in recent years.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Compulsory labor is prohibited by law and does not exist. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred. The Directorate of Labor Inspections (DLI) ensures compliance and is effective. Domestic, children, or foreign workers are not required to remain in situations amounting to coerced or bonded labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children 13 to 18 years of age may be employed part time in light work that will not affect adversely their health, development, or schooling. Minimum age rules are observed in practice and enforced by the DLI. Education is compulsory for 9 years. School is mandatory through the ninth grade; most children stay in school at least until the age of 18. The Government prohibits forced and bonded labor by children, and there were no reports that it occurred (see Section 6.c.). The Government ratified ILO Convention 182 on the worst forms of child labor in December.

e. Acceptable Conditions of Work.—Normal working hours are mandated by law and limited to 37.5 hours per week. The law also provides for 25 working days of paid leave per year (31 days for those over age 60). A 28-hour rest period is mandated legally on weekends and holidays. There is no specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the Government. Average income, not including extensive social benefits, is adequate to provide a worker and family with a decent living.

The 1977 Workers' Protection and Working Environment Act provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with nongovernmental experts. According to the act, environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health. The DLI ensures effective compliance with labor legislation and standards.

f. Trafficking in Persons.—No law specifically criminalizes trafficking in persons, but existing labor and immigration statutes may be used in such cases.

Norway is becoming a destination country for trafficked women, according to an OSCE report.

POLAND

Poland is a parliamentary democracy based on a multiparty political system. Free and fair presidential elections were held in October, resulting in the re-election of President Aleksander Kwasniewski. Executive power is shared by the Prime Minister, the Council of Ministers, and to a lesser extent, the President. The Parliament is bicameral (Senate and Sejm). The Government formed after free and fair elections in 1997 was a two-party coalition composed of the center-right Solidarity Electoral Action (AWS) party anchored by the Solidarity Labor Union and the Centrist Freedom Union (UW), also with origins in Solidarity. The majority government dissolved in June when UW withdrew and five of its ministers resigned; AWS is now a minority government. Parliamentary elections are next scheduled for fall 2001. The judiciary is independent but inefficient.

Internal security forces and the armed forces are subject to effective civilian control by the Government. Since 1996 the civilian Minister of Defense has had clear command and control authority over the military chief of the general staff as well as oversight of military intelligence. Civilian control was reinforced further by a restructuring of the Ministry of Defense and general staff undertaken as part of the country's entry into NATO in April.

After several years of strong growth in the mid-1990's, the economy slowed starting in 1998 as a result of the Russian financial crisis and economic slowdown in the country's largest export markets in Europe. Gross domestic product (GDP)

growth dropped to 4.1 percent in 1999 and stayed at this level in 2000. After dropping steadily through the last decade, inflation began increasing again in 1999, climbing as high as 11.7 percent in the summer but dropping to 8.5 percent in December 2000. The ongoing process of restructuring, and increasing numbers of youths entering the labor force, have increased unemployment in recent years. The official unemployment rate was 15 percent at year's end. Since 1989 most small- and medium-sized state-owned enterprises have been privatized, and the Government has launched privatizations of major state-owned enterprises such as insurance, telephone, airline, power generation, petroleum refining, steel, coal, and banks. Significant reforms are underway in other areas as well, including pensions, health, decentralization of government, and education. Still to be addressed are the agriculture sector, a major part of the economy (employing more than 25 percent of the labor force), and lagging development in rural areas.

The Government generally respects the human rights of its citizens; however, problems remain in some areas. Prison conditions are generally poor. A cumbersome legal process, poor administration, and an inadequate budget hamper the court system. Lengthy pretrial detention occurs occasionally. Court decisions frequently are not implemented, particularly those of the administrative courts, and simple civil cases can take as long as 2 or 3 years. As a result, public confidence in the judicial system is low. Many poorly paid prosecutors and judges have left public service for more lucrative employment. The threat of organized crime has provoked legislative responses that raise questions regarding the right to privacy. The Government maintains a large number of wiretaps without judicial review.

There are some marginal restrictions in law and in practice on freedom of speech and of the press. With few exceptions, the Criminal Code provides protection for journalists' sources. Spousal abuse continues to affect many women. Women continue to experience serious discrimination in the labor market and are subject to various legal inequities as a consequence of paternalistic laws. Child prostitution is a problem. There were incidents of desecration of graves in both Jewish and Catholic cemeteries and anti-Semitic graffiti on Jewish buildings. The Government has worked constructively toward resolving issues of concern to the Jewish community. There is some societal discrimination and violence against ethnic minorities. Although the right to organize unions and bargain collectively largely was observed, some employers violated worker rights provided for by law, particularly in the growing private sector. Trafficking in women and children in, to, and from the country is a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings.

In January 1998, a police officer was charged with the beating death of 13-year-old Przemek Czaja following a basketball game in the Baltic coast city of Slupsk. The officer was sentenced in May 1999 to 6 years in prison. In December 1999, the appeals court increased the sentence to 8 years. The defendant has lodged an appeal to the Supreme Court. At year's end, the defendant was still free on appeal. On March 7, the District Court in Koszalin decided that the defendant should be examined by psychiatrists from the Szczecin Medical Academy.

A police officer indicted in connection with the shooting deaths of two unarmed civilians and the wounding of another in Brodno, a suburb of Warsaw, was sentenced in December 1999 to 7 years in prison. His appeal was pending at year's end.

On October 30, the Lublin Appeals Court sentenced the former Lomaz police chief to 4.5 years in prison (originally he was sentenced to 15 years in 1998, but he appealed the decision). The October verdict is final.

Trials related to extrajudicial killings during the Communist period continued in 1999. A new trial began in a Katowice appeals court in October 1999 in the case of 22 riot policemen accused of killing miners during the Communist martial law era after a 1998 appeals court decision annulled their acquittals. In September 1999, the decision of a district court was upheld in the case of the appeal of two officers convicted in 1997 of the 1983 Communist era beating death of Grzegorz Przemyski.

One officer was sentenced to 2 years in prison for participating in the beating, and the other officer was found not guilty of attempting to destroy the file in the case. In November 1999, the Supreme Court ordered a new trial for former Communist leader Wojciech Jaruzelski and nine other officials who allegedly ordered police to shoot workers during the 1970 riots in Gdansk. The Court ruled that the trial that began in the Gdansk provincial court should be started over in the Warsaw

district court. No new trial date was set. In December 1999, lawyers representing miners submitted a motion requesting the retrial of former Communist Interior Minister Czeslaw Kiszczak for his role in the pacification of the Wujek mine, but a Katowice district court did not rule on the motion by year's end. In December 1999, the Warsaw regional court ruled that Kiszczak's health made it possible for him (although to a limited degree) to face the court and thus rejected a defense motion to suspend his trial because of poor health. Kiszczak appealed; the trial was still pending at year's end.

On October 30, the retrial began in Warsaw of General Wladyslaw Ciaston, one of the two former Communist Security Services (SB) generals accused (and acquitted in 1994) of having directed the 1984 murder of Father Jerzy Popieluszko. Popieluszko upset the Communist regime during martial law for openly supporting the cause of the then-outlawed Solidarity trade unions in his sermons. He was tortured to death in October 1984 by the secret police at the time and became a martyr and the "patron saint" of Solidarity. In March 1996, the appeal court ordered a retrial. The other accused general was excused from the trial in January of this year for health reasons.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Code prohibits torture, and there were no reported incidents of it. Unlike in the previous year, there were no reports of police using force to disperse violent protestors or to break up illegal roadblocks.

In June 1998, a Gdansk court indicted 11 riot policemen for their participation in the October 1997 beating of soccer fans attending a match in the town of Gdynia. The officers' activities, which took place before, during, and after the match, both at the stadium and at a nearby bar, were captured on videotape. A civil case against the officers, launched by the father of one of the teenage victims, also was pending. Both civil and criminal cases stemming from the incident were pending at year's end. The civil case against the officers ended during the year; it was suspended pending resolution of the criminal case. Public television was fined \$2,400 (10,000 PLN) and the private television station TVN \$1,200 (5,000 PLN) for airing tapes of the incident. Both stations also must apologize to the victim on their main news programs. Initially the court acquitted the police officers but the prosecutor appealed; the criminal case was still pending at year's end.

Prison conditions are still generally poor, according to reports by nongovernmental organizations (NGO's); overcrowding, damp cells, and a lack of medical treatment are the chief problems. According to a July 1998 report by the National Penitentiary Authority, the prison system is in urgent need of additional funding. Of 156 detention facilities, 100 require considerable renovation. At the same time, the National Penitentiary Authority's annual budget continued to fall; it has declined by approximately 34 percent since 1991. The Ombudsman for Human Rights complained about the safety of prisoners, noting that inmates are often the victims of violent attacks by other prisoners. Civil litigation against the prison administration in the 1996 case of an 18-year-old mentally retarded boy who was beaten and sodomized by fellow inmates was considered by the Bydgoszcz district court in February; the case was still pending at year's end. The Ombudsman also suggested in 1999 that the prison population be reduced, including by decriminalizing certain offenses, pointing out that the ratio of prisoners to rehabilitation officers is very poor.

The Government permits human rights monitors to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government observes this prohibition. Courts rather than prosecutors issue arrest warrants. The law allows a 48-hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pretrial detention order. During this period, access to a lawyer normally is limited. Once a prosecutor presents the legal basis for a formal investigation, the law provides for access to counsel. Detainees may be held in pretrial detention for up to 3 months and may challenge the legality of an arrest through appeal to the district court. A court may extend this pretrial confinement period every 3 months for up to 18 months until the trial date. Total time of temporary arrest until the first sentence rendered by the court of lower instance cannot be more than 2 years. However, under certain circumstances, the 2-year period may be extended further by the Supreme Court. Bail is available, and most detainees are released on bail pending trial.

The Government does not employ forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. However, the judiciary remains inefficient and lacks resources and public confidence.

The Government continues to restructure the court system in order to streamline and accelerate the legal process. At present there is a four-tiered court and prosecutorial structure. The courts consist of regional, provincial, and appellate divisions, as well as a Supreme Court. These tiers are subdivided further into five parts: Military, civil, criminal, labor, and family. Regional courts are courts of first instance, while appellate courts are charged solely with appeals. Provincial courts have a dual responsibility, handling appeals from regional courts while enjoying original jurisdiction for the most serious types of offenses. Appellate courts handle appeals tried at the provincial level, and the Supreme Court only handles appeals about questions of law. The prosecutorial system mirrors the court structure with national, provincial, appellate, and regional offices.

Judges are nominated by the national judicial council and appointed by the President. They are appointed for life and can be reassigned but not dismissed, except by a court decision. The Constitutional Tribunal rules on the constitutionality of legislation. In October 1999, Constitutional Tribunal decisions became final and binding, after a 2-year interim period following the entry into force of the new Constitution during which a two-thirds majority in the Sejm could overrule its decisions.

The court system is cumbersome, poorly administered, overstuffed, and underfunded. There are numerous inefficiencies, most notably the fact that many districts have more criminal judges than prosecutors. These factors contribute to a lack of public confidence. Many effective judges and prosecutors have left public service for the more lucrative private sector. Court decisions frequently are not implemented. Bailiffs normally ensure the execution of civil verdicts such as damage payments and evictions. However, according to some observers, they are underpaid, subject to intimidation and bribery, and have a mixed record of implementing court decisions. Civil and administrative rulings against public institutions such as hospitals often cannot be enforced due to a lack of funds. Simple civil cases can take as long as 2 to 3 years before resolution, and the pretrial waiting time in criminal cases can be several months. The backlog and the costs of legal action appear to deter many citizens from using the justice system at all, particularly in civil matters such as divorce. The long wait for routine court decisions in commercial matters is an incentive for bribery and corruption.

All defendants are presumed innocent until proven guilty. At the end of a trial, the court renders its decision orally and then has 7 days to prepare a written decision. A defendant has the right to appeal within 14 days of the written decision. Appeals may be made on the basis of new evidence or procedural irregularities.

Criminal cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. The seriousness of the offense determines which is the court of first instance. Once formal charges are filed, the defendant is allowed to study the charges and consult with an attorney, who is provided at public expense if necessary. Once the defendant is prepared, a trial date is set. Defendants are required to be present during trial and may present evidence and confront witnesses in their own defense. Since 1995 prosecutors have had the authority to grant witnesses anonymity at trial if they express fear of retribution from the defendant. This law, designed to help combat organized crime, impairs defendants' right to confront their accusers. In 1996 reforms were made that provide for a two-level appeal process in most civil and criminal matters; previously, citizens enjoyed access only to a one-step appeal process.

Trials are normally public. However, the courts reserve the right to close a trial to the public in some circumstances, such as divorce cases, trials in which state secrets may be disclosed, or cases whose content might offend "public morality." (See Section 1.f.) The courts rarely invoke this prerogative.

The current Criminal Code and Code of Criminal Procedure went into effect in September 1998. However, in March 1998 the European Court of Human Rights (ECHR) unanimously ruled that a provincial appellate court's examination of the verdict in the presence of the prosecutor, but not the defendant or his representative, infringed on the European Convention on Human Rights provisions concerning fair trial. Article 451 of the Code of Criminal Procedure was amended to take account of all implications of the March 1998 ruling of the ECHR. This amendment came into force on September 1.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy of correspondence; however, the Government maintains, without judicial review or oversight, a large number of wiretaps. There is no legislation that provides for the general right to privacy. However, a 1998 law prohibits the collection of information about a person's ethnic origin, religious convictions, health condition, political views, or membership in religious, political, or trade union organizations. The law allows for certain exceptions, specifically,

the gathering of information without a person's permission by courts, hospitals, or organizations if the information pertains to their members. All exceptions are subject to some restrictions. A few continuing practices (such as a requirement to fill out "creed" or "nationality" items in some questionnaires) became illegal, effective April 1999. Violators of these provisions are subject to imprisonment for up to 3 years. The Ministry of Justice reports that from March 1998 to September of this year, the office of the prosecutor received 324 notifications of crimes pursuant to Articles 49 to 54 of the 1998 Law on Personal Data Protection. Of those, 304 have been closed; the office declined to prosecute 90 cases; 39 cases were referred to the court; and 170 cases were discontinued by the court. In nine cases, the prosecutor recommended conditional discontinuance. There is no record of a conviction obtained in any case.

In response to the growing threat of organized crime and money laundering, Parliament permitted the police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involving serious crimes, narcotics, money laundering, or illegal firearms sales. Under the Criminal Code, the Minister of Justice and the Minister of Interior, both political appointees, must authorize these investigative methods. In emergency cases, the police may initiate an investigation that utilizes wiretaps or the opening of private correspondence at the same time that they seek permission from the ministers. Estimates on the number of wiretapping devices installed annually at the request of the police vary widely; however, a high-ranking public prosecutor in 1998 put the number at 4,000. After interventions by the Human Rights Ombudsman, the Prosecutor General curtailed the number of warrants for wiretapping. Levels are reportedly back at pre-1998 levels, over 4,000.

Parliamentarians and human rights groups expressed concern about the lack of control over this type of surveillance. There is no independent judicial review of surveillance activities, nor is there any control over how the information derived from investigations is used. A growing number of agencies have access to wiretap information, and the Police Code allows electronic surveillance to be used for the prevention of crime as well as for investigative purposes. As is the case under the Criminal Code, police must obtain permission from the Ministers of Justice and Interior before initiating wiretap procedures.

The law forbids arbitrary forced entry into homes. Search warrants issued by a prosecutor are required in order to enter private residences. In emergency cases, when a prosecutor is not immediately available, police may enter a residence with the approval of the local police commander. In the most urgent cases, in which there is no time to consult with the police commander, police may enter a private residence after showing their official identification. There were no reports that police abused search warrant procedures.

A law on "lustration" or vetting went into effect in November 1998. The law, designed to expose government officials who collaborated with the Communist-era secret police, bans from office for 10 years those caught lying about their past. The law requires officials to provide sworn affidavits concerning their possible cooperation with the secret police; the public interest spokesman (lustration prosecutor) then verifies the affidavits and brings suspected cases of misrepresentation before the lustration court, a special three-judge panel whose decisions may be appealed. Several high-profile cases came before the court during the year, including that of a Deputy Defense Minister who was judged to have lied in his affidavit; the case is currently on appeal. Many of these cases are closed to the public because they involve classified documents. In accordance with the presidential election law, all candidates for the October presidential elections were vetted in August; after some controversy surrounding the lustration of President Kwasniewski and former president Walesa, all passed muster. Critics continue to voice concern that the procedures may be unfair, in view of the likelihood that secret police records were subject to loss or tampering. In June Parliament agreed on a chairman for the Institute of National Remembrance, creation of which the lustration law mandated in order to organize all communist-era secret police files and eventually give citizens access to information in files compiled on them.

In June 1998, the Constitutional Tribunal ruled unconstitutional a 1997 draft law envisioning the possible removal from service of judges proven to have violated judicial independence by issuing unjust verdicts between 1944 and 1989 at the request of the Communist authorities. Disciplinary proceedings against the judges in question were to be initiated by the Minister of Justice, the presidents of the appellate or regional courts, the National Judiciary Council, or individuals who felt wronged by court verdicts. In December 1998, the Sejm addressed the issue and adopted amendments to the law requiring that procedures against accused judges be initiated before December 31, 2002. The law went into effect in January 1999. According

to the National Judiciary Council, at the end of the year, 10 cases had been filed against 13 judges.

Men are not permitted to marry without parental permission until the age of 21, whereas women may marry at the age of 18 (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, and the Government respects these rights; however, there are some marginal restrictions in law and practice. Nonetheless, the press is vigorous and independent.

The Criminal Code states that an individual who “publicly insults or humiliates a constitutional institution of the Republic of Poland” is subject to a fine or imprisonment of up to 2 years, while an individual who insults a public functionary is subject to a fine or imprisonment of up to 1 year. In December 1999, the trial began in Elblag in the case of Andrzej Lepper, who was accused of insulting Prime Minister Jerzy Buzek and state officials in January 1999; the case was still pending at year’s end. Prosecutors charge that during a road blockade in Nowy Dwor Gdanski, Lepper called Buzek’s cabinet a “government of national betrayal, a government of dilettantes, traitors to Poland.” He is said to have called the Prime Minister and another political leader “bandits and criminals.” In May the Warsaw district court ruled that the daily newspaper “Zycie” must apologize to President Aleksander Kwasniewski for publishing untrue information suggesting that the President had contacts with Russian spies. However, the court rejected the President’s demand that Zycie pay \$0.6 million (2.5 million PLN) in damages in favor of flood victims. The President said he would not appeal the verdict, while Zycie said that it would. This provision of the Criminal Code also can be used by individual citizens and businesses “to protect their good name.” In March 1998, Network Twenty One, which sells Amway products, and seven of its employees used the provision to prevent the broadcast, showing, or copying of a 1-hour documentary critical of the company and its practices. The documentary had not been shown by year’s end.

The case against talk show host Wojciech Cejrowski, charged with publicly insulting President Kwasniewski, was decided against the defendant in April 1998; it since has been appealed and still was pending decision at year’s end. Also pending was a 1995 case against presidential candidate Leszek Bubel for violating a section of the Penal Code that prohibits acts that “publicly insult, ridicule, and deride the Polish nation, the Polish Republic, its political system, or its principal organs.” Bubel had claimed publicly that a former head of the Presidential Chancellery protected a group of criminals.

There was no progress during the year in the ongoing investigation into the case of Mikolaj Siwicki for publishing an allegedly hate-mongering book that could damage the nation’s interests.

The Criminal Code also stipulates that offending religious sentiment through public speech is punishable by a fine or a 3-year prison term. In 1995 a provincial court charged presidential candidate Leszek Bubel with violating this article by publishing a pamphlet containing anti-Semitic “humor.” A verdict on the case was still pending at year’s end.

In July 1999, the Warsaw district court revoked the 1998 decision of prosecutors not to start proceedings against the leftist newspaper Trybuna for insulting Pope John Paul II in one of its articles. In 1997 Tadeusz Rydzyk and AllPolish Youth director Roman Giertych, both acting on behalf of the Council for the Coordination of the Defense of the Dignity of Poland and Poles, originally filed charges against Trybuna for its alleged insults of the Pope. In April 1998, the Warsaw prosecutor’s office decided to drop the case; subsequently, some 1,500 persons appealed to the Warsaw district court to reopen. In the wake of the lost lawsuit, Trybuna had to apologize twice for publishing the article. A separate suit against the author was ended when he died, but it appears that the Prosecutor’s Office may charge the then editor-in-chief of the paper for having allowed the article to go to press. At least one civil suit related to the Trybuna case was still pending at year’s end.

The State Secrets Act allows for the prosecution of citizens who publish or otherwise betray state secrets. Human rights groups criticize this law, since it restricts the right of free speech of private citizens.

The Criminal Code regulates the protection of journalistic sources. The code grants news sources absolute protection, except in cases involving national security, murder, and terrorist acts. Pursuant to the law, statutory provisions are applied retroactively if their terms are beneficial to the accused. Journalists who refused to divulge sources prior to the new code’s enactment also can avoid sanctions by invoking “journalistic privilege.”

There is no restriction on the establishment of private newspapers or distribution of journals; private newspapers and magazines flourish. There was no progress in the ongoing privatization of RUCH, a national network of newspaper kiosks.

The national radio and television broadcasting council (KRRiTV) has broad powers in monitoring and regulating programming on radio and television, allocating broadcasting frequencies and licenses, and apportioning subscription revenues to public media.

In order to encourage the KRRiTV's apolitical character, the nine KRRiTV members are obliged legally to suspend any membership in political parties or public associations. However, they are chosen for their political allegiances and nominated by the Sejm, the Senate, and the President following political bargaining, thus raising potentially serious questions about the independence of broadcasting oversight from political influence.

The broadcasting law stipulates that programs should not promote activities that are illegal or against state policy, morality, or the common good. The law, whose constitutionality has been confirmed by the Constitutional Tribunal, requires that all broadcasts "respect the religious feelings of the audiences and in particular respect the Christian system of values." This provision has never been used as a means of censorship, although the restrictions theoretically could be used as such.

Private television broadcasters operate on frequencies selected by the Ministry of Communications and auctioned by the KRRiTV. Private radio flourishes on the local, regional, and national levels alongside public radio.

The Government owns 2 of the 3 most widely-viewed television channels and 17 regional stations, as well as 5 national radio networks. PAP, the national wire service, was privatized partially in 1997, and a five-member supervisory board is preparing the service for full privatization. However, there was no progress at year's end. Although public television remains a major source of news and information, private broadcast television, satellite, and private cable services (domestic and foreign) are available across most of the country. Cable services, available in all major cities, carry the main public channels, two nationwide private networks (Polsat and TVN), as well as local and regional stations and a variety of foreign offerings.

The law on radio and television requires public television to provide direct media access to the main state institutions, including the presidency, "to make presentations or explanations of public policy." The President and the Prime Minister have complained occasionally of the other's abuse of the access privilege. Both public and private radio and television provide coverage of all ranges of political opinion.

Books expressing a wide range of political and social viewpoints are widely available, as are foreign periodicals and other publications from abroad.

The Internet is widely available and is not regulated.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government respects this right in practice. Permits are not necessary for public meetings but are required for public demonstrations; demonstration organizers must obtain these permits from local authorities if the demonstration might block a public road. For large demonstrations, organizers also are required to inform the local police of the time and place of their activities and their planned route. Every gathering must have a chairperson who is required to open the demonstration, preside over it, and close it.

Unlike in 1999, there were no violent clashes between police and demonstrators during the year.

The law provides for freedom of association, and the Government generally respects this right in practice. Private associations need government approval to organize and must register with their district court. The procedure essentially requires the organization to sign a declaration that commits it to abide by the law. However, in practice the procedure is complicated and may be subject to the discretion of the judge in charge.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Citizens enjoy the freedom to practice any faith they choose. Religious groups may organize, select, and train personnel; solicit and receive contributions; publish; and engage in consultations without government interference. There are 15 religious groups in the country whose relationship with the State is governed by specific legislation and 140 other religious communities. The legislation outlines the internal structure of the religious groups, their activities, and procedures for property restitution. There are no government restrictions on establishing and maintaining places of worship. More than 95 percent of Poles are Roman Catholic, but Eastern Orthodox, Greek Catholic, and much smaller Protestant, Jewish, and Muslim congregations meet freely. Although the Constitution provides for the separation of church and state, a crucifix hangs in

both the upper and lower houses of Parliament. State-run radio broadcasts Catholic mass on Sundays, and the Catholic Church is authorized to relicense radio and television stations to operate on frequencies assigned to the Church, the only body outside the KRRiTV allowed to do so.

Religious communities may register with the Government, but they are not required to do so and may function freely without registration. Registration requires that the group have submitted the names of 100 members as well as information regarding the group itself. This information on membership must be confirmed by a notary public, although the registration itself often appears to be a formality. Four new religious communities were registered during the year. All churches and recognized religious groups share the same privileges, such as duty-free importation of office equipment and reduced taxes.

Although the Constitution gives parents the right to bring up their children in compliance with their own religious and philosophical beliefs, religious education classes continue to be taught in the public schools at public expense. While children are supposed to have the choice between religious instruction and ethics, the Ombudsman's office states that in most schools, ethics courses are not offered due to financial constraints. Catholic Church representatives are employed to teach religious classes in the schools. Such classes constitute the vast majority of all religious education classes offered, since the population of the country is approximately 95 percent Catholic. However, parents can request religious classes in any of the religions legally registered, including Protestant, Orthodox, and Jewish. Such non-Catholic religious instruction exists in practice, although it is not common; the Ministry of Education pays the instructors. Priests receive salaries from the state budget for teaching religion in public schools.

In mid-year the Government announced plans to establish by September, a department within the Ministry of Interior to monitor the activities of "new religious groups" and cults; by year's end, the new department had not yet been formed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Although the Constitution does not address freedom of movement, the Government does not restrict internal or foreign travel. Citizens who leave the country have no trouble returning. There are no restrictions on emigration.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were no reports of the forced repatriation of persons with a valid claim to refugee status. Foreigners recognized as refugees under the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol are granted full refugee status and permission to remain permanently. The Government received 4,519 petitions for refugee status during the year, compared with 2,864 for all of 1999. Including petitions carried over from 1999, 76 have been approved, 2,626 were denied, and 1,206 discontinued or abandoned. The increase from 1999 can be attributed to the marked increase in Chechen refugees. The Government approved 22 Chechens for refugee status prior to August, when they ceased granting approvals for political reasons.

The 1997 Aliens Act addresses immigration issues. Human rights organizations generally view the Aliens Act as positive. The law gives all prospective refugees access to a procedure for adjudicating refugee status and established an independent board to which prospective refugees can appeal negative status decisions by the Ministry of Internal Affairs. Refugee advocates note that the board serves as an impartial and independent adjudicator of appeals. The law does not recognize the concept of first asylum or any other form of temporary protection.

The new Aliens Act would, for the first time, include the category of humanitarian assistance as a reason for re-settling aliens. The Government currently only has categories for asylum seekers and for refugees (for example, those who qualify under the Geneva Convention standards). A new category would be created for those who do not qualify as refugees but who cannot be returned to their countries of origin. Previously the Government had to find creative means of allowing refugees to stay in the country, as the Government did during the Kosovo conflict when they issued 1-year residency permits.

The new Aliens Act would create the Office of Repatriation and Aliens. This office would control the various refugee boards and agencies as well as have some political control over the border guards. The law would also create an expedited system of refugee processing. Aliens would receive an answer to their petition within 2 days. If they were denied, they would be able to appeal to the refugee board, from whom they would receive an answer within 5 days. If their claims were found to be "manifestly unfounded," they would be denied and no further appeal would be available to them. This would represent a significant change from the current system, in which refugees could wait up to 3 months for the first answer and could then appeal all the way to the Supreme Court.

During the year, the Government cooperated with the UNHCR and the Polish NGO Caritas in a program monitoring portions of the country's eastern and western borders from offices in Bialystok and Zgorzelec. The UNHCR reports that the Government has been cooperative as the offices monitor relevant issues such as tracking asylum cases.

The UNHCR reports isolated incidents of the border guards turning away potential refugees, in particular Chechen refugees. In addition UNHCR expressed concern during the year over the fate of unaccompanied children seeking asylum in the country. It urged that procedures and practices concerning the appointment and maintenance of supervisors and guardians for minors be improved.

Many of the problems that the Government faces in dealing with aliens present in the country center around funding. The Government receives significant EU funds for upgrading its refugee processing system, which includes money for such things as fingerprinting equipment and running the refugee centers. However, the Government has very little money available to send aliens who have been denied petitions back to their country of origin (only 20 were returned by air in 1999). Most denied applicants simply receive a letter informing them that their petition has been denied and that they should leave the country. The Government does not have funding to help assimilate those persons who receive permission to permanently reside in the country. The approved petitioners receive funds from various NGO's, but this money covers only basic living needs, and not services such as language training, medical care, or other social benefits.

The country is becoming a destination point for refugees, rather than simply a transit point. The UNHCR reports that significantly fewer persons are abandoning their refugee applications and that fewer persons are leaving the country after receiving status. The National Labor Office also estimates that as many as 200,000 foreigners are working illegally in the country, while the International Organization for Migration (IOM) estimates that some 300,000 irregular migrants are present at any given moment in the country. The IOM also reports that in recent years, 10,000 to 15,000 foreigners annually have been apprehended crossing the border into the country. Most of the illegal residents come from the countries of the former Soviet Union, although an increasingly larger number are coming from Vietnam, Afghanistan, and Sri Lanka. Poland's relatively strong economic growth and its status as an EU candidate country are mainly responsible for this phenomenon, and illegal and legal immigrants alike can find employment in the country.

The UNHCR has been working with government officials, police, and hospital personnel to sensitize them to the plight of refugees and train them in better ways of handling refugees. As part of this campaign, in September the UNHCR, in conjunction with the domestic NGO Polska Akcja Humanitarska and the entertainment agency 'Alter Art,' hosted a "Refugee Day" in Warsaw that featured bands, food, and entertainment appealing to younger persons.

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

Citizens have the right to change their government peacefully. This right is provided for in the Constitution and exists in practice. All citizens 18 years of age and older have the right to vote and to cast secret ballots, and voting is voluntary. The country is a multiparty democracy. A permanent, democratic Constitution entered into force in 1997. Free and fair presidential elections were held in October. Multiple candidates ran and had access to the media. President Kwasniewski was re-elected to a second (and final) 5-year term in the first round with 53 percent of the vote.

Executive power is divided between the President and a government chosen by the Sejm, or lower house of Parliament. There is also an upper house (the Senate). The Constitution provides for parliamentary elections at least once every 4 years. The President, elected for 5 years, has the right, in certain very limited cases and after seeking the opinion of the Speakers of the Sejm and the Senate, to shorten the Sejm's term of office. Whenever the Sejm's term of office is shortened, the Senate's term automatically is shortened as well. Parliament may impeach the President.

Women are underrepresented in government and politics. Only 13.7 percent of parliamentarians (63 of 460) are women, and presently none of the 19 cabinet ministers is a woman. The Speaker of the Senate is the only female parliamentary leader, and none of the leaders of the nation's largest political parties are women.

Two members of the German minority party are Members of Parliament (M.P.s) (see Section 5). The electoral law exempts ethnic minority parties from the requirement to win 5 percent of the vote nationwide in order to qualify for seats in individual districts.

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

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

The Helsinki Foundation, a major NGO, conducts human rights investigations without government interference. Members of the foundation report that the Government displays a generally positive and helpful attitude towards human rights investigations. However, some domestic NGO's believe that a hostile regulatory climate is developing in parts of the government bureaucracy.

The Office of the Commissioner for Civil Rights Protection (the Ombudsman), established in 1987, is the Government's watchdog for human rights. The Ombudsman's office is an effective, independent body with broad authority to investigate alleged violations of civil rights and liberties. The Ombudsman registers each reported case and files grievances, where appropriate, with the relevant government office. He has no legislative authority and is sworn to act apolitically. The Government cooperates with his office.

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

The Constitution states that "no one shall be discriminated against in political, social, or economic life for any reason whatsoever." The Government attempts to ensure that these provisions are observed; however, violence and societal discrimination against women and ethnic minorities persist.

Women.—Violence against women continues to be a problem. Women's rights advocates report that unofficial statistics are similar to those of previous years, although there are no recent comprehensive surveys. Physical abuse is illegal and spousal rape is treated the same as other types of rape. In 1996 some 9 percent of women polled by the Public Opinion Research Center admitted to being beaten repeatedly by their husbands. Women's organizations assert that the number of women suffering from domestic abuse is probably much higher. They explain that battered women usually refuse to admit abuse even to themselves. Violence against women remains hidden, particularly in small towns and villages. Government and police statistics do not differentiate between male and female victims of violence. Police intervene in cases of domestic violence, and husbands can be convicted for beating their wives. In 1998 the police, in cooperation with the State Agency for Solving Alcoholic Problems, introduced the so-called "blue card," a record-keeping system designed to better document incidents of spousal abuse. Sentences for abuse of family members range from 3 months to 5 years, or from 2 to 10 years if the victim attempts suicide as a result of the abuse. However, statistics suggest that a large majority of convictions result in suspended sentences. According to a spokesman for the police, there were 23,147 cases of family abuse reported during the year, with 161 of those being of particularly severe abuse. According to NGO's, the courts often treat domestic violence as a minor crime, pronounce lenient verdicts, or dismiss cases.

According to the Women's Rights Center Report published during the year, there has been significant progress in raising public awareness of the problem of violence against women. The topic received increasing coverage in the media during the year, most notably through a highly visible media campaign. In addition an increasing number of NGO's are addressing the problem. Fifteen centers have been established to assist victims, to provide preventive treatment as well as resocialization counseling to perpetrators, and to train personnel working with victims of domestic violence. As of July 6, an Office of Victims' Rights Spokesman at the Ministry of Internal Affairs and Administration has been established. The main task of the office is to ensure that victims of violence are treated with respect by law enforcement and the judicial system. The office provides legal and psychological assistance for victims and their families.

The law has no provision for restraining orders to protect battered women against further abuse. For example, in divorce cases, courts frequently grant a divorce but do not issue a property settlement, sending the woman back to live with the abusive husband. This problem is exacerbated by a lack of alternative housing in the country. Women's advocacy groups also have complained about the small number of state-supported shelters for battered women.

According to police statistics, the frequency of rape is increasing. During the year, there were 2,399 cases reported, compared with 2,029 in 1999. NGO's report that women often are unwilling to report the crime and estimate that the actual number of rapes is 10 times higher than reported statistics suggest.

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

While laws specifically addressing sexual harassment do not exist, social awareness is increasing, as are mechanisms with the potential to deal with the problem. For example, the Criminal Code states that whoever takes advantage of a position of power in a relationship to gain sexual gratification may be sentenced to up to 3 years in prison. According to a Supreme Court advisory opinion, such a relationship can occur between employers and employees, between supervisors and subordinates, or between teachers and students. However, this provision can be invoked only when alleged sexual harassment occurs between a supervisor and an individual in a subordinate position. Abuse of power cannot be claimed when harassment occurs between persons of equal rank. In August a prosecutor charged a former director of a hospital emergency ward of sexually harassing six nurses; the case was still pending at year's end. Public discussion of the problem of sexual harassment is relatively new, but women increasingly are talking about the problem and speaking out against it.

The Constitution provides for equal rights regardless of gender and grants women equal rights with men in all areas of family, political, social, and economic life, including equal compensation for work of similar value. However, in practice women frequently are paid less for equivalent work, mainly hold lower level positions, are discharged more quickly, and are less likely to be promoted than men. According to the 1999 government statistical bulletin, men have a higher employment rate (54 percent) than women (45.9 percent), and women have a higher unemployment rate (13.5 percent) than men (11.7 percent). Despite a generally higher level of education, women earn on average 30 percent less than men. In August 1999, the U.N. Human Rights Commission expressed its concern about the situation and agreed that women are discriminated against in the labor market.

Women are employed in a wide variety of professions and occupations, and a number of women occupy high positions in government and in the private sector. Although clauses in social insurance law limit child sick care benefits to women, since June 1999, both men and women have the right to claim child sick care. The pension law passed in late 1998 did not change the mandatory earlier retirement for women at age 60 (65 for men). As a result women get about 60 percent of the average pension that men receive. In December the Constitutional Tribunal ruled that the law setting retirement age at 60 for women and 65 for men is discriminatory, as it reduces women's chances of promotion and better pensions. Based on this verdict women can appeal to the labor court if employers insist that they retire at 60. The law does not address equality in hiring practices (there are no legal penalties for discriminatory behavior in this area), and advertisements for jobs frequently indicate a gender preference. Although women have access to a number of previously forbidden careers since the Labor Code was modified in 1996, they still are prevented from working underground or in jobs that require heavy lifting. In March 1999, the Parliament failed to approve the proposed law on equal status that would have remedied some of these inequalities. Apart from the Constitution, there is no other legal provision for equal rights for women.

The Ombudsman for Human Rights monitors the rights of women within the broader context of human rights. Observers note that the broad scope of the office's mandate dilutes its ability to function as an effective advocate of women's issues. In 1997 the government Plenipotentiary for Family Affairs within the Cabinet replaced the government Plenipotentiary for Women and the Family, a change that many women's rights groups perceived as an example of discrimination. There are several women's rights NGO's. Among the most notable are the Polish Foundation for Women and Family Planning and the Women's Rights Center. These groups are active advocates of gender equality and advance their goals through research, monitoring, and publishing. There are several church-sponsored women's advocacy organizations, but their cooperation with other women's NGO's is limited.

Women have the same right as men to transmit citizenship to their foreign-born spouses.

Children.—The Constitution extends some state protection to the family and children and the Sejm appointed an ombudsman for children's rights in June, although he resigned in August. A replacement was being sought at year's end. The Government sponsors some health programs targeted specifically at children, including a vaccination program and periodic checkups conducted in the schools. In reality, budget shortfalls prevent complete implementation of these programs. There are no procedures in schools to protect children from abuse by teachers; in fact, the teachers' work code provides legal immunity from prosecution for the use of corporal punishment in classrooms.

Violence against children is illegal. A provision of the Criminal Code threatens those who physically or psychologically abuse a juvenile with a prison sentence of 3 months to 5 years. If the victim attempts suicide the sentence is increased, as it

is if the perpetrator is found to have acted with extreme cruelty. Abuse rarely is reported, and convictions for child abuse are even more rare. There is no societal pattern of abuse of children; however, trafficking in children is a problem (see Sections 6.c. and 6.f.).

Young men and women are treated unequally in terms of the age of majority. Men and women reach majority at the age of 18 under the Civil Code. However, a young woman can reach majority at the age of 16 if she has entered into marriage with the consent of her parents and the guardianship court. In addition men are not permitted to marry without parental consent until the age of 21, whereas women may do so at the age of 18 (see Section 1.f.). Lawmakers' rationale for this difference in treatment is the assumption that it is better that men entering compulsory military service not be encumbered with families.

People with Disabilities.—There were approximately 5.5 million disabled persons in the country by year's end, and the number is expected to reach 6 million by the year 2010. During the year, the Central Bureau of Statistics (GUS) reported that 17 percent of disabled persons able to work are unemployed. Advocacy groups claim that the percentage is much higher. GUS data from 1999 indicate that 48.7 percent of the disabled have no more than an elementary school education, compared with 33.7 percent of those without disabilities, and that only 4.2 percent have a university education, compared with 8.2 percent of the nondisabled.

The Constitution provides for aid to disabled persons "to ensure their subsistence, professional training, and social communication," and a number of laws protect the rights of the disabled. However, implementation falls short of rights set forth in the legislation. Public buildings and transportation generally are not accessible to the disabled. Current law provides only that buildings "should be accessible."

The law creates a state fund for the rehabilitation of the disabled that derives its assets from a tax on employers of over 50 persons, unless 6 percent of the employer's work force are disabled persons. While the fund has adequate resources, its management has encountered difficulties, including frequent changes in leadership. According to press reports, the fund has 4,000 grant applications pending. During the year, the fund had \$0.4 billion (1.8 billion PLN) at its disposal. Thirty percent of this sum was spent for social rehabilitation and the rest for professional rehabilitation. The fund has branches in all 16 provinces. According to the August 1997 revision of the law on professional and social rehabilitation, 5 to 10 percent of the fund can be used to assist disabled children.

A 1996 law allows individuals from certain disability groups to take up gainful employment without the risk of losing their disability benefits. Previously, disabled individuals from those groups lost their benefits once they began to work.

Religious Minorities.—Current law places Protestant, Catholic, Orthodox, and Jewish communities on the same legal footing, and the Government attempts to address problems that minority religious groups face. Among the most important of these problems is that of property restitution. The laws governing restitution of communal property allow for the return of churches and synagogues, cemeteries, and community headquarters, as well as buildings that were used for other religious, educational, or charitable activities. The laws included time limits for filing claims; in several cases the deadlines have expired, and no additional claims may be filed. Restitution commissions (composed of representatives of the Government and of the affected religious community) are continuing to adjudicate previously filed claims. The Government established four separate commissions to process the claims of the Catholic, Lutheran, and Orthodox Churches, and the Jewish community. A fifth commission to handle the claims of other religious groups became active on September 1.

The Concordat, a treaty regulating relations between the Government and the Vatican, took effect in April 1998.

The time limit for applications by the Catholic Church expired in December 1991. At the end of December, 2,512 of 3,045 claims filed by the Catholic church had been concluded, with 1,184 claims settled by agreement between the church and the party in possession of the property (usually the national or a local government); 859 properties were returned through decisions of the commission on property restitution, which rules on disputed claims; 456 claims were rejected; and 13 cases were expected to go to court. The local Jewish community's deadline for filing claims under the 1997 law expires in 2002. By year's end, 532 had been filed. Of those 532 claims, by year's end the commission on property restitution considered and closed 145 cases; 78 of the 145 cases were closed by an agreement between the parties. As of early in the year, Lutheran claims for 1,200 properties had resulted in 392 cases being closed with the return of the properties in question (the deadline for filing such claims was August 1993). Seventy-four claims were filed by the Orthodox

Church, one property has been transferred, and the commission is considering another 20 claims.

Laws on religious communal property do not address the private property of any group, and laws on communal property restitution do not address the issue of communal properties to which third parties now have title, leaving several controversial and complicated cases unresolved. In a number of cases over the years, buildings and residences were built on land that included Jewish cemeteries that were destroyed during or after World War II. For example, a school for disabled children now stands on the site of a completely destroyed Jewish cemetery in Kalisz. The existence of the school complicated the issue of returning the cemetery to the Jewish community. Efforts continued during the year to reach a resolution acceptable to all concerned.

Units set up to monitor new religious movements that are being trained to deal with criminal activities by sects have been criticized by Adventist church leaders, who allege that the "anti-sect" training material gives a distorted picture of minority religions that could lead to discrimination against them.

Relations between the various religious communities are generally amicable, although anti-Semitic feelings persist among certain sectors of the population, occasionally manifesting themselves in acts of vandalism and physical or verbal abuse. It is not always clear that vandalism of graves is anti-Semitic in nature. Surveys in recent years show a continuing decline in anti-Semitic sentiment and avowedly anti-Semitic candidates fare very poorly in elections.

Sporadic and isolated incidents of harassment and violence against Jews continue to occur in the country, often generated by skinheads and other marginal societal groups. Occasional cases of cemetery desecration, including both Jewish and Catholic shrines, also occurred during the year. Government authorities consistently criticized such actions and made efforts to prevent similar acts from occurring in the future, for example, by increasing police patrols around Jewish sites. No arrests or prosecutions took place after any of these events.

In February near Katowice, some 60 graves were desecrated in what apparently was an attempt to steal and sell the stones from the local Catholic cemetery; no one was charged in the case. Later in the month, two other Catholic cemeteries were desecrated with Satanist graffiti, one near Zamosc and one near Wroclaw. Perpetrators in the case were not found and the investigation was discontinued.

In March hooligans vandalized a monument to martyred priest Jerzy Popielusko; no one was arrested in the case. Also in March, the citizens of Lodz took action of their own accord to clean up anti-Semitic (and other) graffiti in the town. The same evening as the clean-up, vandals spray-painted anti-Semitic and anti-Roma graffiti on the home of Marek Edelman, the last surviving commander of the 1943 Warsaw ghetto uprising. The attack was criticized strongly by both the President and the Prime Minister. The case was investigated, but no perpetrators were identified and the investigation was discontinued.

In April anti-Semitic and anti-Roma graffiti were painted on the Wall of the Jewish cemetery at Oswiecim (Auschwitz). The perpetrators were not caught. The town paid to have the graffiti removed. Also in April, on 2 successive nights, vandals in Krakow painted swastikas and anti-Semitic graffiti on the walls of a local museum, whose site once had housed a pharmacy operated by the only non-Jewish Pole to live in the Krakow ghetto. The pharmacy's owner had received the Israeli "righteous among nations" award for the help he rendered to many Jews during the war. Although the local public housing authorities responsible for maintenance of the property painted over the graffiti the following afternoon, the next evening the vandals wrote anti-Semitic slogans over the fresh paint. The second set of graffiti was painted over the next morning. Local police vowed to step up patrols in the area but no arrests were made by year's end.

Also in April, Satanist graffiti defaced some 20 gravestones in a Catholic cemetery in a village near Poznan. The vandals were never identified. In August a group of eight to nine teenagers armed with clubs attacked a Buddhist center in Krakow. The teenagers assaulted three persons inside the center, one of whom required hospitalization, and broke windows and smashed furniture. Center representatives said the attack was the most serious in a series of incidents—including assaults on Buddhists visiting the center, breaking windows, and threatening graffiti—that began earlier in the year. Although the center has been open since 1991, this is the first year that it became the target of such attacks. The Krakow prosecutor initiated an investigation into the case and two persons have been arrested in relation to the case. The investigation is ongoing and legal proceedings against the arrestees continued at year's end.

The "Pope's Cross," located on the grounds of a former Carmelite convent in Oswiecim adjacent to the Auschwitz concentration camp museum, remained in place at year's end.

In April Opole University fired professor Dariusz Ratajczak for publishing a book denying the Holocaust. The firing followed the unsuccessful prosecution of Ratajczak in December 1999 for violating the law on the preservation of national remembrance, a provision of which criminalizes public denials of Nazi and communist-era crimes. The University announced that Ratajczak had violated ethical standards and would be barred from teaching at other universities for 3 years.

In January 1999, vandals damaged or destroyed 57 gravestones in the Jewish cemetery in Krakow. In May 1999, the cemetery was vandalized again when unidentified perpetrators overturned 30 gravestones and set fire to the main door of the pre-burial house. Perpetrators in these events were not found and the investigation into the cases was discontinued. The local Jewish community now pays for two guards and two guard dogs at the cemetery, where such incidents have ceased.

In July 1999, unknown vandals sprayed swastikas and anti-Semitic graffiti on the Jewish community headquarters in Bielsko-Biala. According to the mayor of Bielsko-Biala, city police officers were ordered to guard the building after the attack and an investigation opened in 1999 into the case was discontinued in 2000. There were no further incidents reported during the year.

In May during the 12th March of the Living from Auschwitz to Birkenau to honor victims of the Holocaust, several hundred Poles joined the Presidents of Israel and Poland as well as some 6,000 marchers from Israel and other countries. This was the largest participation of Polish citizens in the event to date. Government officials participating in the march included M.P.s, the province's governor, and Oswiecim's mayor and city council chairman. Schoolchildren, Boy Scouts, the Polish-Israeli Friendship Society, and the Jewish Students Association of Poland also participated in the march.

Investigations continued into the May 1998 desecration of graves in the Warsaw Jewish cemetery and the July 1998 vandalism of a plaque commemorating Jewish Holocaust victims in Rzeszow. No charges have been filed to date, and the Rzeszow case was still under investigation at year's end.

In September dignitaries from Poland, Israel, the United States, and other countries (including Prince Hassan of Jordan) gathered in Oswiecim (Auschwitz) to commemorate the opening of the refurbished Chevra Lomdei Mishnayot synagogue and the Auschwitz Jewish Center. The synagogue, the sole synagogue in Oswiecim to survive World War II, and an adjacent Jewish cultural and educational center, provide visitors a place to pray and to learn about the active pre-war Jewish community that once existed in Oswiecim. The synagogue was the first communal property in the country to be returned to the Jewish community after the fall of communism under a 1997 law allowing restitution of Jewish communal property.

On November 11, some 400 persons participated in a demonstration in Katowice officially organized by the No To Europe Association; some of the participants chanted anti-Semitic slogans and burned the EU and Israeli flags. The association's head told prosecutors investigating the case that only some 30 percent of the rally's participants were actual members of his organization.

There is some public concern about the growth of groups perceived to be "sects" and the influence of non-mainstream religious groups, especially in the wake of press reports of the deaths of a few young persons in circumstances suggesting cult activity.

National/Racial/Ethnic Minorities.—The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. There were 5 Lithuanian-language textbooks in use during the year and the number will probably increase to 8 or 9 in 2001. The Ministry of Education fully finances their publication and uses Lithuanian minority representation on development of the texts. The issue of Lithuanian minority rights, including language instruction, is routinely addressed during governmental talks at the highest levels.

The Romani community, numbering around 30,000, faces disproportionately high unemployment and was hit harder by economic changes and restructuring than were ethnic Poles, according to its leaders. The national Government does not discriminate overtly against Roma, though discrimination against Roma is commonplace in society at large and some local officials have been known to discriminate by not providing services in a timely manner or at all. Romani leaders complain of widespread discrimination in employment, housing, banking, the justice system, the media, and education. There have been occasional incidents of skinheads clashing with Roma and racially motivated violence directed at Roma. The central Government is cooperating with local governments to develop and finance programs to assist the poorest Roma. Some local governments are becoming more active in dealing

with the problems of local Romani communities. In the southern town of Nowy Sacz, where some of the country's poorest Roma reside, the local government launched a new initiative to improve the lives of the city's Roma. The initiative calls for hiring a special liaison to the Romani community, improving housing and access to utilities (sewers and running water), and expanding educational opportunities for Roma. The Government has also mounted an advertising campaign featuring a famous Polish actor that emphasizes tolerance and friendly attitudes towards foreigners and refugees resident in the country. A November poll showed no significant change in Polish attitudes toward other nationalities. The highest negative attitude is towards Roma and Romanians (64 percent and 63 percent); Russians, Ukrainians and Belarussians (57 percent, 58 percent, 50 percent); and Jews (49 percent).

The small Ukrainian and Belarussian minorities occasionally experience petty harassment and discrimination. Individuals of African, Asian, or Arab descent have experienced verbal or other types of abuse, including physical abuse. In February an African-American woman was kicked at the Czestochowa train station, in what she felt was a racially-motivated attack. In April a group of African-American military personnel visiting Wroclaw in connection with a NATO exercise were singled out for harassment by a group of skinheads. Part of the group was involved in a shoving match outside of a local restaurant, which ended when a larger group of military personnel arrived and the skinheads dispersed. In a second related incident, three of the servicemen were cornered by a group of skinheads carrying bottles who identified themselves as "white racists." In June two African-Americans were verbally harassed by a group of skinheads in Gdansk. They did not respond to the taunts and there was no further incident.

The German minority in Opole province makes up one-third of the 1 million inhabitants of this area of Poland that was part of Germany prior to World War II. Some members of the community complain that not enough German is used in the province's schools and that the minority rights bill will not successfully pass Parliament. However, two members of the German minority party are able to voice such concerns as Members of Parliament (see Section 3).

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including civilian employees of the Armed Forces, police, and frontier guards have the right to establish and join trade unions of their own choosing. The law sets minimum size requirements for establishing a trade union: 10 persons may form a local union, and 30 may establish a national union. Unions, including interbranch national unions and national interbranch federations, must be registered with the courts. A court decision refusing registration may be appealed to an appeals court. During the year, the number of officially registered national-level unions remained at about 360, about the same as in 1999. No precise data exist on work force unionization, although the trend continues to be downward. Recent studies suggest that only 9 to 10 percent of workers belong to a union. As a rule, newly established small- and medium-sized firms were nonunion, while union activity in most cases carried over into privatized (former state-owned) enterprises. The Independent Selfgoverning Trade Union (NSZZ) Solidarity has a verified regular dues-paying membership of about 1 million. Small spin-offs from mainstream Solidarity include the rival factions Solidarity '80, August '80, and the Christian Trade Union Solidarity (Popieluszko). There are no reliable estimates of their membership.

The other principal national unions are those affiliated with the All-Poland Trade Union Alliance (OPZZ), the formerly Communist-aligned confederation established in 1984 as the sole legal alternative to then-outlawed NSZZ Solidarity, and its teachers' affiliate, the Polish Union of Teachers (ZNP). The OPZZ reports that its membership has dropped by more than 50 percent in recent years to about 1.7 million, but this figure is unverified, and independent sociological surveys suggest that its regular dues-paying membership is considerably less than Solidarity's. A recent survey found that Solidarity represents some 7.6 percent of all Polish workers, while the OPZZ represents only 3.6 percent (one estimate put OPZZ membership at roughly 700,000 to 800,000 workers). According to a 1999 study by the State Labor Inspectorate, out of some 27,000 local union organizations, Solidarity had 13,500 organizations, the OPZZ had 11,000 organizations, and Solidarity '80 had 770 organizations.

The law on collective bargaining, in force since 1994, does not require union membership figures to be verified or based on dues-paying members in order for unions to be considered "representative" negotiating partners for management and government. Solidarity protested some unions' (largely OPZZ affiliates) participation in negotiations with the Government on the grounds that their membership figures remain unproved.

Most trade unions were active in politics at all levels. Trade unions are affiliated with political parties and scores of union activists were parliamentarians, and several became senior government officials. Solidarity plays a key role in political life. With 62 deputies, 27 senators, dozens of ministers, governors, and other senior national and local officials, the union serves as the backbone of the ruling AWS coalition. The OPZZ has 42 deputies, about one-quarter of the opposition Democratic Left Alliance (SLD) caucus.

Unions have the right to strike except in "essential services." However, labor leaders complain that the 1991 Act on Collective Dispute Resolution prescribes an overly lengthy process before a strike may be called. Employers consider the law too lenient, since it allows only one-quarter of the work force to vote to call a strike. As a result, as many as 60 to 90 percent of strikes called in recent years have been technically "illegal" because one or both of the sides did not follow each step exactly as required by law. Labor courts act slowly on deciding the legality of strikes, while sanctions against unions for calling illegal strikes, or against employers for provoking them, are minimal. Arbitration is not obligatory and depends on the agreement of disputing parties. Unions allege that laws prohibiting retribution against strikers are not enforced consistently and that fines imposed as punishment are so minimal that they are ineffective sanctions to illegal activity. Workers who strike in accordance with the law retain their right to social insurance but not to pay. However, if a court rules a strike "illegal," workers may lose social benefits, and organizers are liable for damages and may face civil charges and fines. The social partners (unions, employers, and the Government) continued to work out ambiguities in dispute resolution mechanisms in the new Labor Code, which went into effect in 1996, and which represented a major overhaul of communist-era labor regulations.

The number of strikes in the first 6 months of the year remained relatively low and dropped to 6 from 25, compared with the same time period in 1999. There were strikes lasting for a few days in public transportation, health, armaments, and metallurgy sectors. Railroad (PKP) workers struck for a few hours during the year, demanding overdue payments, changes in the privatization process, and protesting layoffs.

In November hundreds of nurses began hunger strikes and protests throughout the country to protest the Government's failure to pay wage increases. In December the Sejm passed a bill giving the nurses a raise. The nurses found the offer unsatisfactory, and the matter was still pending conclusion at year's end.

Unions have the right to join labor federations and confederations and to affiliate with international labor organizations. Independent labor leaders reported that these rights were observed in practice. Solidarity is a full member of the International Confederation of Free Trade Unions, the World Confederation of Labor, and the European Trade Union Confederation.

b. The Right to Organize and Bargain Collectively.—The 1991 Law on Trade Unions created a favorable environment for trade union activity. However, labor leaders report that the 1991 law has not prevented employers from discriminating against workers who attempt to organize or join unions, particularly in the growing private sector. The law also has not prevented employer harassment of union members for labor activity. The ICFTU alleges that the sanctions provided in the law against acts of antiunion discrimination are not sufficiently dissuasive.

The 1991 law provides for parties to take disputes first to labor courts, then to the prosecutor general, and, in the last resort, to the Supreme Court. In a typical year, Solidarity takes several thousand cases to labor courts, several hundred to the Prosecutor General, and dozens to the Supreme Court for resolution. In an overwhelming majority of these cases, the courts ordered employers to correct practices or reinstate dismissed workers or unions to reimburse employers for activity found to be illegal. However, penalties are minimal and are not an effective deterrent.

Enterprise-level collective bargaining over wages and working conditions increasingly characterized the labor relations system. Labor and management are adapting their relationship to the demands of a market economy, but experience in modern labor relations is still in its early stages. Many enterprises rolled over agreements concluded in earlier years.

Since its formation in early 1994, the Tripartite Commission (unions, employers, and the Government), currently chaired by Labor Minister Longin Komolowski, has become the main forum that determines national-level wage and benefit increases in such politically sensitive areas as the so-called budget sector (health, education, and public employees), while rendering opinions on pension indexation, energy pricing, and other important aspects of social policy. The Commission serves as an important forum in which the social partners air differences, discuss grievances, and often negotiate agreements before problems erupt into social conflict.

Many disputes arose because of the weakness of the employer side of the union/ employer/Government triangle. Key state sector employers (largely in heavy industry and the budget sector) still were unable to negotiate independently with organized labor without the extensive involvement of central government ministries to which they are subordinate, although the Government repeatedly stated that its intention was not to be drawn into labor disputes. This weakness complicated and politicized the Government's labor relations system. Claiming that the Government was refusing seriously to discuss labor issues with it, the OPZZ suspended participation in the commission in April 1999 and stayed away all throughout this year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Compulsory labor does not exist, except for prisoners convicted of criminal offenses, and otherwise is prohibited by law, including that performed by children. There were no reports of forced or compulsory labor by children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law contains strict legal prescriptions about the conditions in which children may work. Education is universal and mandatory until age 18, and public schools are free of charge. The Labor Code forbids the employment of persons under the age of 15. Those between the ages of 15 and 18 may be employed only if they have completed primary school and if the proposed employment constitutes vocational training and is not harmful to their health. The age requirement rises to 18 years if a particular job might pose a health danger.

Child labor is not a problem, although the State Labor Inspectorate reported that increasing numbers of minors now work, and that many employers violate labor rules in employing them (by underpaying workers, paying them late, etc.). Inspectors found violations on stud farms, in restaurants, and, in some instances, in small private sector businesses and factories. Sanctions for illegal employment of children range from warning letters through orders to cease the work of under-age employees. These orders can be enforced through the police to demand the transfer of under-age employees or shut down all or part of the offending workplace, or, working through the Ministry of Labor, to impose fines ranging from \$5 to \$125 (20 to 500 PLN) per offense. Cases may also be referred to an administrative tribunal, which can levy fines of up to \$1,250 (5,000 PLN). Jail sentence may be imposed if the infractions are serious enough; such cases generally involve serious injury or death. In 1999, the last year for which figures are available, the State Labor Inspectorate (PIP) conducted 1,494 investigations involving some 12,000 possible under-age employees. Fines were levied in 417 of these cases, amounting to some \$35,000 (140,000 PLN). The number of cases sent to the administrative tribunal were 358.

The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Labor, the unions, and employers' organizations negotiate a revised national minimum wage every 3 months. The minimum monthly wage in state-owned enterprises is approximately \$162.50 (700 PLN), which constitutes no real increase over 1999 figures. This amount was insufficient to provide a worker and family with a decent standard of living in view of rising prices. A large percentage of construction workers and seasonal agricultural laborers from the former Soviet Union earn less than the minimum wage. The large size of the informal economy and the small number of state labor inspectors make enforcement of the minimum wage very difficult. As long as unemployment remains high, workers often agree to inferior working conditions and lower pay in order to find or keep their jobs.

The standard legal workweek is 42 hours, which allows 6- or 7-hour days, including at least one 24-hour rest period. The law requires overtime payment for hours in excess of the standard workweek.

The Labor Code defines minimum conditions for the protection of workers' health and safety. Provisions are strict and extensive, and trade unions have the right to stop production or extract a worker from dangerous working conditions without jeopardizing the worker's continued employment. However, enforcement is a major problem because the Labor Inspectorate is unable to monitor the state sector sufficiently, much less the private sector, where a growing percentage of accidents take place. In addition there is a lack of clarity concerning which government or legislative body has responsibility for enforcing the law. The Labor Inspectorate can shut down workplaces in which it finds unsafe conditions. In 1999, the last year for which figures are available, there were 16 shutdowns of either a part or of a whole workplace.

In the 41,011 work-related accidents reported during the first 6 months of the year, 277 individuals were killed and 602 seriously injured. The Government's Cen-

tral Statistical Office reported that most accidents were in the public sector, while most serious accidents were in the private sector, where proportionally more deaths also occurred. Solidarity contends that the problem lies not in the law, which establishes safe standards, but in enforcement, because employer sanctions for illegal behavior are minimal. Standards for exposure to chemicals, dust, and noise are exceeded routinely. Workers may remove themselves from dangerous working conditions without losing their jobs, but there were reports that fears of such loss prompted some to stay on the job.

f. Trafficking in Persons.—Trafficking in women and children is illegal and several specific provisions in the Criminal Code address this issue; however, it remains a problem. The Criminal Code prohibits trafficking in human beings, and pimping, and imposes sentences of up to 10 years on those convicted. It also bans recruiting or luring persons into prostitution; penalties for this offense are also up to 10 years. The most severe sentences are reserved for individuals trafficking in children and those luring women into prostitution abroad. Statutes on trafficking were most recently revised in 1998.

Due to the illicit nature of the activity, it is difficult to estimate the numbers of women who are trafficked. There was an increase in numbers of prosecutions from 1998 to 1999. In 1998 the police reported 70 cases (18 cases of trafficking and 52 of luring women and children into prostitution); in 1999 they reported 184 (8 cases of trafficking and 176 cases of luring women and children into prostitution). It is not clear whether this increase is due to a growth in the number of women trafficked or to greater activity by the Polish authorities. According to a recent press report, road prostitution has doubled since 1998. However, in 1999 there was a police crackdown on highway trafficking and prostitution in response to a letter from the Polish Episcopate to the Prime Minister, and the Polish police report that the crackdown resulted in an estimated 20 percent decrease in such activity. Nonetheless, the international NGO La Strada, which focuses on trafficking in women and girls worldwide, and other sources report that this did not represent an overall decrease in the problem. Rather the activities were moved to secondary roads and agencies. La Strada also estimates that 90 percent of cases handled by Polish prosecutors are the results of deportations from Germany to Poland that are initiated and investigated in Germany. According to La Strada, Polish authorities lack the resources to initiate and investigate cases originating within Poland.

It is particularly difficult to estimate the extent to which children are victims of trafficking. Trafficking in children is reported to be marginal; that which exists appears to be in connection with illegal adoption. Police authorities deal with child traffickers more severely, in part because laws on statutory rape are easier to prosecute. As a result the activity has been driven completely underground. Child prostitution is a crime, while prostitution of adults is neither banned nor regulated by law, making it more difficult for the police to pursue. The authorities do not always recognize trafficking in children since minors can be trafficked on false documents identifying them as adults. Twenty of the 184 cases initiated by prosecutors in 1999 involved victims who were minors.

Poland is a source, transit, and destination country for trafficked women and girls. Polish women are trafficked into the sex trade to Germany and other Western European countries through such means as fake employment offers, arranged marriages, fraud, and coercive measures. Women and girls are trafficked into Poland primarily from east and south central Europe, where they are recruited from areas with low socioeconomic conditions, sometimes quite openly. Many believe that they are accepting employment as waitresses or maids in the west. While they are en route to what they believe to be their destinations, their passports and identity papers are taken away from them. Stripped of their personal identity, the women and girls are kept under the control of the traffickers through fear and intimidation. They are required to serve a minimum number of clients each day in order to earn their keep. They are threatened with violence, and those who resist are raped or beaten. If they try to flee, their legs may be broken. There are also reports of victims being killed by their traffickers. Since the border guards and police may regard them as criminals who have violated passport laws, the women and girls are afraid to turn to officials for help. They have no legal status and there are no public resources available to assist them. When detained by the police, they may be deported to the border, where they are met by traffickers who quickly provide them with new travel documents and return them to Poland. One official mentioned the case of a Bulgarian woman who had been arrested in Poland four times, each time under a different name. Bulgaria is the largest single source of foreign women trafficked in Poland. Women from Bulgaria tend to be from the Turkish and Roma minorities. There are also significant numbers of women from Ukraine, Belarus, Moldova, and Latvia. Recently there also have been reports of Roma women from Romania who

are trafficked on Bulgarian documents. Those women and girls with the lowest socioeconomic status are most vulnerable, and subjected to the worst conditions. For example, Roma and ethnically Turkish Bulgarians tend to be employed on highways. They may spend a few months in Poland before they are trafficked further west. In contrast, women from other countries of Eastern Europe are also trafficked in agencies run as brothels. Educated Polish and Russian women are more likely than others to be employed voluntarily by escort services.

In the last few years, trafficking has become increasingly organized and has been associated with a rampant growth in document fraud. As many as 90 percent of the women and girls trafficked in the country have false travel documents, and the trafficking of a single woman will involve a whole network of criminals. One criminal will recruit the woman; the second will provide false travel documents and traffic her across the border. A third criminal will supervise her work with clients, functioning as a pimp. La Strada reports that last year a large scale "auction" of women was held at a convention of traffickers meeting at a major hotel outside Warsaw. Polish authorities are investigating reports that such auctions occur regularly; one news source indicates that such auctions take place regularly. Prices paid for women and girls who are trafficked reportedly range from \$2,000 to \$4000 (4,000 to 8,000 DM). They are usually trafficked by nationals from the same source country. For example, Bulgarian women are trafficked by Bulgarians and Ukrainians by Ukrainians. Foreign traffickers systematically pay a percentage of their receipts to Polish traffickers operating out of the same region.

PORTUGAL

The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, a Parliament freely elected by secret ballot in multiparty elections, and an independent judiciary.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. Security forces are controlled by, and responsive to, the Government. They occasionally committed human rights abuses.

Portugal has a market-based economy. The service sector (with tourism playing a prominent role) is the leading source of employment, while employment in agriculture and industry continues to be static or decline. Manufacturing provides about 35 percent of total economic output. The principal exports are textiles, machinery, and vehicles. The standard of living has increased: per capita gross domestic product is approximately \$10,000 (2.15 million escudos).

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Credible reports continued that security personnel occasionally beat detainees. Prison conditions remained poor but improved somewhat. There were lengthy delays in holding trials. Violence against women and trafficking in women are problems, as are discrimination and violence against Roma, minorities, and immigrants. The Government is taking active steps to deal with the problem of child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings.

In a widely reported January incident in Porto, Alvaro Rosa Cardoso, a member of the Roma community, died from internal abdominal bleeding after a violent encounter with police. The officers had been called to the scene of a local disturbance. The two officers alleged to be responsible were charged, but in August a court found the officers not guilty since it could not be determined whether the internal bleeding was due to the fight before the arrest or the alleged police mistreatment afterwards. Cardoso's family continued to blame the death on police mistreatment.

A similar event happened on the same day in another part of the city in which Paulo Silva died of internal bleeding which may have come about during an arrest for drug use. This case was reopened in October and was pending at year's end.

An inmate was reported to have died as a result of beatings by prison guards in Vale de Judeus in 1997; however, the Ministry of Justice later determined that the inmate committed suicide.

No one was ever charged or disciplined in the case of the death of Olivio Almada, whose body was found in 1996. He was last seen in the company of three police officers.

Three PSP officers were convicted on criminal charges related to the death in custody in 1996 of Carlos Areujo. The officers appealed the verdict, and their case remained in the appeals process at year's end. Disciplinary proceedings against the officers were deferred until after the criminal case is resolved.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture, inhuman or degrading treatment or punishment, and the use of evidence obtained under torture in criminal proceedings; however, credible but infrequent reports continued that police and prison guards beat and otherwise abused detainees, particularly non-Europeans.

In an attempt to respond to past negative reports on the treatment of detainees and to consolidate alleged improvements in the system, new legislation entitled "Regulations on the Material Conditions of Detention in Police Establishments" was adopted in May 1999. The law provides detailed guidelines covering all aspects of arrest and custody.

According to the nongovernmental organization (NGO) Amnesty International (AI), a National Republican Guard (GNR) infantry sergeant reported in August 1999 that in spite of the new regulations, the mistreatment of detainees was "virtually systematic." In November 1999, the General Inspectorate of Internal Administration (IGAI) opened an inquiry into the sergeant's allegations and began disciplinary proceedings against him personally, on unrelated charges. However, the IGAI stated that these proceedings were not in response to the allegations he made.

AI also brought to light the alleged mistreatment of Jorge Manuel da Conceicao Simoes. He was arrested in May 1999 on suspicion of possessing drugs and allegedly was beaten when he refused to sign a confession. In a September 1999 Madeira incident, also reported by AI, Marco Fernandes claimed to have been beaten by police with a pipe and a police radio. Judicial and disciplinary proceedings were opened and remained pending at year's end.

A police officer who used electroshock torture in Sintra in 1999 was fired from the force. A civil case against him was ongoing at year's end. Police were disciplined for misconduct during a January 1999 street festival in Lisbon.

In late 1997, two police officers were accused of having violated sexually a female drug addict in 1994. The supervisors of the officers initially delayed the opening of an investigation, but in December 1997 the divisional commander in Lisbon suspended the officers and ordered an investigation. The officers subsequently were fired and jailed, according to the Inspector General's office.

In April AI released a report covering the last 6 months of 1998, which noted the mistreatment of prisoners and excessive use of force by the police. In September 1997, Marcelino Soares, a 17-year-old inmate at the Caxias prison, reportedly was beaten and confined to an isolation cell for 3 days by guards for complaining that prison authorities had blocked visits by his brother. The guards involved in this case were fired, according to the Ministry of Justice.

Prison conditions remained poor; however, the Directorate General of Prison Services (DGSP) has taken steps to improve them. Prison crowding remains a major problem, but due to higher levels of funding and DGSP-led improvements, the rate of overcrowding went from a 1996 high of 57.5 percent (14,177 prisoners and 8,999 places) to a low of 13.4 percent (12,728 prisoners and 11,221 places) as of September 1.

By year's end, every cell was equipped with proper hygiene facilities. Health problems such as hepatitis and drug dependency nevertheless continued, and prisoners suffer from a high AIDS infection rate. In 1999 the health services director of the Bureau of Prisons reported that 7 out of every 10 convicts entering the prison system were infected with AIDS, Hepatitis B, or Hepatitis C. An estimated 20 percent of the total prison population is infected with AIDS. Tuberculosis was also on the rise. Prison health services, although still not adequately staffed, have benefited from increased spending on health services, the use of local health care providers to help prison inmates, and the construction of new health care facilities in many prisons.

Reports persisted about the mistreatment of prisoners by prison guards, severe overcrowding, poor medical treatment and the spread of contagious diseases, drug addiction, and cold temperatures in winter. Prisoners alleged that at Linho the warden and other supervisory staff seemed powerless to stop daily beatings of inmates by guards. Prison authorities deny these reports and point to the existence of organized violence among inmates. According to AI, other prisons where brutality by guards was alleged were Pinheiro da Cruz and Angra Heroismo. To help combat brutality by guards, the General Directorate of Prison Services began using resources from AI; all guards participate in mandatory training conducted by AI on such topics as nonviolent control of prisoners and conflict resolution.

An independent ombudsman, chosen by the Parliament, investigates complaints of mistreatment by the police and prison authorities. IGAI also conducts internal investigations in cases of alleged mistreatment. Police officers receive training in human rights and proper investigative procedure. However, NGO's have been critical of the slow pace of police investigations in general and internal investigations by the police in particular.

The Government permits prison visits by human rights monitors. Human rights organizations reported no difficulties in gaining access to inmates at detention facilities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for protection against arbitrary arrest and detention, and the Government respects its provisions in practice.

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes, for example, murder or armed robbery, or of more than one suspect, investigative detention may last for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers; the state assumes the cost if necessary.

Exile is illegal and is not practiced.

e. Denial of Fair Public Trial.—The judiciary is independent and impartial.

The court system, laid out in the Constitution, consists of a Constitutional Court, a Supreme Court of Justice, and judicial courts of first and second instance. There is also a Supreme Court of Administration, which deals with administrative and tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

All trials are public except those that may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials are extremely rare.

The judicial system provides citizens with a fair legal process. However, frequent critics point to a large backlog of pending trials resulting from inefficient functioning of the courts. A new law passed during the year aims to reduce the case backlog by increasing the number of judges. The bill also has provisions to reduce the time it takes a lawyer to become a judge. Another new law provides for witnesses to testify in cases heard in distant jurisdictions via teleconference. Also the Ministry of Justice announced in November a plan to speed the service of subpoenas. Many factors, from the underutilization of technology (case folders are still sewn closed by a large number of "needlewomen"), to the heretofore confusing and drawn out method of serving subpoenas, to the reluctance of the justice system to change old ways of doing things all contribute to the backlog problem. The extremely slow pace of the judicial process was cited as contributing to a violation of Article 6 of the European Convention on Human Rights in a 1999 report from the European Court of Human Rights (ECHR).

In March the ECHR ordered the Ministry of Justice to pay a fine to three plaintiffs in three separate civil cases. The first case involved two sets of proceedings that lasted nearly 11 years. The second case was not resolved after 7 years, and the third case had continued for 4.5 years. In April the ECHR ordered the Ministry of Justice to pay a fine to a corporate plaintiff in a case that had lasted over 17 years without a final resolution. Many similar examples of judicial delay and backlog are reported in the press.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution forbids such practices, and the Government respects these provisions in practice. Violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

In a September freedom of the press case, the ECHR found in favor of Vicente Jorge Silva, a former editor of the center-left daily, *Publico*, in his appeal of a decision of the Constitutional Court. In 1993 he published a scathing editorial highly critical of the policies of a local politician running for public office. The politician sued for “abuse of freedom of the press,” but Silva won the case in criminal court. Upon appeal two higher courts found in favor of the politician. The ECHR determined that the Constitutional Court had failed to support the freedom of the press in Silva’s case.

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. The Roman Catholic Church is the dominant religion; it receives tax exemptions and other privileges unavailable to other denominations. Although the overwhelming majority of citizens are Roman Catholic, other religions practice freely.

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

The law provides for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualify as refugees are entitled to residence permits. There were no reports of the forced expulsion of persons with a valid claim to refugee status. However, the Government almost never rules that an asylum seeker has a “valid” claim. Immigration authorities attempt to distinguish among political, humanitarian, and temporary refugees, but the Government continues to maintain that the majority are economic refugees using Portugal as a gateway to the other European Union “Schengen” countries.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections on the basis of universal suffrage. Portugal is a multiparty parliamentary democracy.

Women are underrepresented in government and politics. However, they and minorities have full political rights and participate actively in political life. Women head the Ministries of Health and of Environment. There are 49 female members of the 230-member Parliament. Race is rarely an issue in politics; persons of minority origin have achieved political prominence. Some persons advocate laws mandating female quotas on political party lists, but such legislation has not been passed. Some political parties nevertheless adopted their own internal quotas.

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

A number of domestic (and international) human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative, although most groups complain of slow investigations or remedial actions.

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

The Constitution forbids discrimination based on ancestry, sex, language, origin, religion, political or ideological convictions, education, economic situation, or social condition, and the Government enforces these prohibitions.

Women.—Domestic and other violence against women is reportedly a common but hidden problem for which few seek legal recourse. According to the first national report on family violence, presented in March 1999, police agencies recorded 2,889 cases of family violence during the period October 1998 through January 1999. Of the 633 family violence crimes reported in January, more than two-thirds involved acts of physical violence and occurred between spouses or partners. Of the victims, 81 percent were women, and 87 percent of the suspects were men.

According to the 1999 statistics of a major NGO providing services to victims of crime, 46 percent of the 4,653 cases it handled involved domestic violence, and in the vast majority of those cases the target of the violence was women. The same NGO agreed with the Governmental Commission for Equality and Women’s Rights that the frequency of violent incidents is probably the same, but increased publicity and resources have increased the number of victims who seek help. The law provides for criminal penalties in cases of violence by a spouse, and the judicial system

shows no apparent reluctance to prosecute suspects accused of abusing women. Changes to the Penal Code in May granted any interested party the ability to file charges in domestic violence cases. However, traditional societal attitudes still discourage many battered women from recourse to the judicial system.

The toll-free hot line for victims of domestic violence, in service since November 1998, now operates 24 hours a day, 7 days a week. In its first 6 months of operation, approximately 64 percent of the calls related to acts of physical violence, while 30 percent related to psychological concerns. The majority of callers (66 percent) were themselves victims. Women between the ages of 25 and 35 accounted for about 29 percent of the calls, while about 31 percent were women between the ages of 35 and 45. Although calls came from all over the country, the vast majority came from the large urban centers of Lisbon and Porto. These percentages have remained essentially unchanged.

Parliament has continued to address the problem of domestic violence with the passage of several laws in recent years. One provided for the expansion of the system of shelters for victims. Educational campaigns for the public and specialized training for the police also were strengthened. The creation of domestic violence units in the police, and of a new domestic violence category in the Attorney General's report on crime, were mandated by one of the new laws in May. Perpetrators of domestic violence now can be barred from contact with their victims, and in extreme cases, the police can order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to the perpetrators of domestic violence and to assist victims with the professional development necessary to live independent lives.

In August 1999, Parliament passed legislation to establish a national support network and a system of compensation for victims of domestic violence. In May 2000 Parliament changed the legal definition of domestic violence, the net result of which was expected to give police and the courts more leverage to prosecute such cases and remove some of the burden of bringing charges from the victim.

Prostitution is legal, but procurement is not. Trafficking in women for the purposes of forced prostitution continues to be a problem (see Section 5 and 6.f.). Prostitution is linked closely to other types of organized crime, especially international narcotics trafficking. Specific legislation prohibits forced prostitution and trafficking in human beings. The Nest, an NGO, operates economic and social recovery programs for prostitutes.

The Civil Code provides for full legal equality for women. Sexual harassment, a problem that continues to gain public attention, is covered in the Penal Code as a sex crime, but only if perpetrated by a superior and in the workplace. The penalties are 2 to 3 years' imprisonment. As in the case of domestic violence, socially ingrained attitudes discourage many women from taking advantage of the legal protection available.

The Commission on Equality in the Workplace and in Employment, made up of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment, but it receives few. It does review numerous complaints of discrimination by employers against pregnant workers and new mothers, who are protected by law. Maternity leave was increased in 2000 from 90 days to 120 days with full pay and benefits. Also after return to work a new mother (or father) may take time off every day to nurse or feed an infant. If pregnant or nursing women or new fathers are fired, they may take their complaint to the government Equality Commission (CITE), which was established to deal with equal opportunity complaints. If CITE finds that the employee's legal rights were violated, the employer must reinstate the worker and pay double back pay and benefits for the time at work missed due to the wrongful firing.

Women increasingly are represented in university student bodies, business, science, and the professions. However, a gap remains between male and female salaries: according to the most recent figures available (1997), women earned an average of 77 percent of men's earnings. Women make up the majority of university graduates.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provides 9 years of compulsory, free, and universal education for children through the age of 15. The Government provides free or low cost health care for all children up to the age of 15. A special office in the Directorate General of Health oversees implementation of the Government's programs for children. A 9-year period of education is compulsory. A 1996 study by the European Commission indicated that only 50 percent of children receive preschool education. To counter this problem, the Ministry of Education instituted a pilot project on early childhood

education in the Algarve region in 1997. This program proved successful. More teachers were hired, and more new schools were constructed in remote places. Preschool education became free for 5 year olds in 1998 and was scheduled to become free for 3 and 4 year olds by 2001. Each year the number of students enrolled in preschool has increased. In the 1998–99 school year, 207,109 attended; in 1999–2000, the number increased to 218,225; and in the 2000–2001 school year, 230,000 students attended preschool.

The National Children's Rights Commission is charged with implementing the principles of the International Convention on the Rights of the Child. The Commission operates under the aegis of the High Commissioner for the Promotion of Equality and of the Family and includes representatives from the Ministries of Justice, Health, Education, and Solidarity, as well as from leading NGO's. The quasi-independent Institute for the Support of Children organized a network of 48 NGO's dedicated to helping at-risk youth. The University of Minho's Institute for the Study of Children is a research center dedicated solely to the study of children's issues. The Institute for the Support of Children organizes public awareness programs, serves as an information clearinghouse for NGO's working on children's issues and promotes legislation protecting children's rights. It provides telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect. It also operates services assisting the at-risk youth known as "crianças da rua"—"street kids."

There is no societal pattern of abuse of children, although child labor remains a problem (see Section 6.d.).

Following the uncovering of a pedophile ring in Madeira in 1997, the Parliament passed a law in 1998 that enlarged the definition of pedophilia to include the consumers of child pornography as well as the producers.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the Government enforces these provisions in practice. However, no such legislation covers private businesses or other facilities.

National/Racial/Ethnic Minorities.—The principal minority groups are immigrants, legal and illegal, from Portugal's former African colonies. There is also a resident Romani population of approximately 40,000 persons, who are the subject of some discrimination and violence.

In 1999 the U.N. Committee on the Elimination of Racial Discrimination conducted a periodic review of the Government's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. In its report, the Committee expressed concern about racial discrimination and xenophobia in the country, including violence against blacks, Roma, immigrants, and foreigners—frequently perpetrated by skinheads. While acknowledging efforts by the Government to combat such acts, the Committee urged that the law be extended to prohibit all racist groups. According to an NGO that tracks racist and xenophobic issues, activities by racist groups are increasing, and the police response to such actions tends to be inconsistent.

The law permits victims and antiracism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses. In 1999 the Parliament approved a new set of antiracism laws, reiterating antidiscrimination sections of the Constitution and the Penal Code. The new laws prohibit and penalize racial discrimination in housing, business, and health services. They also provided for the creation of a new Commission for Equality and Against Racial Discrimination to work alongside the High Commissioner for Immigration and Ethnic Minorities. However, by year's end the new commission had yet to be established.

The growing number undocumented persons who enter the country illegally in order to work is a problem. Recent economic growth has created a need for many workers, especially in the construction and service sectors. These undocumented workers, usually ethnic minorities, are allowed to remain and work but have no access to health care, education, or other social services. Parliament rejected legislation during the year that was intended to bring them into the social services system.

Section 6. Worker Rights

a. The Right of Association.—Workers in both the private and public sectors have the right to associate freely and to establish committees in the workplace to defend their interests. The Constitution provides for the right to establish unions by profession or industry. Trade union associations have the right to participate in the preparation of labor legislation. Strikes are permitted by the Constitution for any reason, including political causes; they are common and generally are resolved through di-

rect negotiations. Policemen and members of the armed forces may not strike. The authorities respect all provisions of the law on labor's rights.

Two principal labor federations exist, the Workers' General Union (UGT) and the General Confederation of Portuguese Workers (CGTP). No restrictions limit the formation of additional labor federations. Unions function without hindrance by the Government and are associated closely with political parties.

There are no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—Unions are free to organize without interference by the Government or by employers. Collective bargaining is provided for in the Constitution and is practiced extensively in the public and private sectors.

Collective bargaining disputes usually are resolved through negotiation. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes last only 1 to 3 days. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement is applied infrequently. When it is applied, minimum levels of service are established by agreement between the Government and the striking unions, although unions have complained, including to the International Labor Organization (ILO), that the minimum levels were set too high. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

The law prohibits antiunion discrimination, and the authorities enforce this prohibition in practice. The General Directorate of Labor promptly examines complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including by children, is prohibited and generally does not occur. Specific legislation prohibits trafficking in persons; however, trafficking in women for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age is 16 years. There are instances of child labor, but the overall incidence is small and is concentrated geographically and sectorally. The greatest problems are reported in Braga, Porto, and Aveiro and tend to occur in the clothing, footwear, construction, and hotel industries. Government agencies have noted a recent gradual shift from child labor in industries to the home, where children work in family businesses. The extensive national network designed to combat child labor is beginning to shift some of its resources in this direction. The Government prohibits forced and bonded child labor and enforces this prohibition effectively (see Section 6.c.).

In 1998 the Government created a commission called Plan for the Elimination of Exploitation of Child Labor (PEETI). Working with several NGO's, PEETI has developed an integrated program of education and training in which local teams of social workers and educators intervene in situations involving dropouts and working children. These teams develop programs of scholastic and vocational study tailored to the individual child and his community. PEETI gives "scholarships" to help offset the loss of income to the family. In the first year of PEETI's existence, 600 teenagers were involved. The Government also created in 1996 the National Council Against the Exploitation of Child Labor (CNETI), a multiagency body that coordinates government efforts to eliminate child labor. CNETI is the successor to the National Children's Rights Commission CCNCTI.

In a first-of-its-kind study, conducted in conjunction with the ILO in 1998, the Government polled 26,500 families, with separate questionnaires for parents and children, to try to measure the incidence of child labor. According to this survey, as many as 20,000 to 40,000 children under the age of 16 may be engaged in some form of labor. The majority of these cases consist of daily chores on family farms, which do not prevent school attendance. However, the study estimates that as many as 11,000 children may be working for nonfamily employers, a figure that represents 0.2 percent of the labor force. The next comprehensive study of the problem is scheduled for April 2001.

The key enforcement mechanisms of labor laws falls to labor inspectors. Because of an increase in the minimum working age from 15 to 16 in 1997, the total number of child labor cases has increased in the last few years. However, according to the Ministry of Labor and Equality, the incidence of child labor is decreasing as a result of government efforts to combat child labor and a move towards a higher technology industrial base (with a corresponding need for better educated and skilled labor). The Ministry reported a 74 percent decrease in child labor cases from 1997 to 2000. The Minister of Labor attributed this decrease to the extensive reorganization of

groups fighting this problem and the effectiveness of new programs being carried out. Portugal's fight against exploitative child labor is no longer limited to inspectors' visits to factories and farms, but includes policies designed to address some of the root causes of this problem.

e. Acceptable Conditions of Work.—Minimum wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 years and over. For 2000 the monthly minimum wage was approximately \$284 (63,800 escudos). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage affords a basic standard of living for a worker and family. Only 9.2 percent of the work force received the minimum wage.

Employees generally receive 14 months' pay for 11 months' work: the extra 3 months' pay are for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday is 8 hours, and the maximum workweek is 40 hours. There is a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Employment and Social Security monitors compliance through its regional inspectors.

Employers legally are responsible for accidents at work and are required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continue to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in harmony with European Union standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacks sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiate lawsuits. A relatively large proportion of accidents occurs in the construction industry. Poor environmental controls in textile production also cause considerable concern.

While the ability of workers to remove themselves from situations where these hazards exist is limited, it is difficult to fire workers for any reason.

f. Trafficking in Persons.—Specific legislation prohibits trafficking in persons, which nevertheless is a problem. Under the Penal Code, trafficking in persons is punishable by 2 to 8 years' imprisonment. Parliament passed legislation during the year that established training programs for those who provide services for victims of trafficking. The Commission for Equality and Women's Rights has two working groups, one to oversee the training of social service workers and the other to inform victims of their legal rights; both are providing services.

However, trafficking in women for the purpose of forced prostitution continues to be a problem. International trafficking rings take Portuguese women abroad, often to Spain, and bring foreign women to Portugal. The Portuguese women involved tend to be from poorer areas and are often, but not always, drug users. Women from Brazil and from Lusophone Africa also are involved, as are women from non-Lusophone countries such as Senegal.

Russian mafia organizations are present in the country in increasing numbers, largely as the networks behind the trafficking in Eastern European women. One such network reportedly sells Moldovan and Ukrainian women for the equivalent of around \$4,000 each. The authorities broke up one such ring in 1999 that was headed by a nuclear scientist from the former Soviet Union.

ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prior to the end-of-year elections, Prime Minister Mugur Isarescu was the Head of Government, and President Emil Constantinescu, who was elected directly, was the Head of State. On December 29, Adrian Nastase was sworn into office as the new Prime Minister, and Ion Iliescu was elected President on December 10. The judiciary is a separate branch of the Government; however, in practice the executive branch exercises influence over the judiciary.

Several different security forces are responsible for preserving law and order and protecting against external threats. The laws that established these organizations are somewhat vague, and their security responsibilities overlap. All security and intelligence organizations operate under the authority of civilian leadership. The Ministry of the Interior supervises the national police, which have primary responsibility for security, and the border police. Some police officers committed serious human rights abuses.

Romania is a middle-income, developing country in transition from a centrally planned economy to a market economy. The private sector accounted for 61.5 percent of gross domestic product (GDP) and employed 61.9 percent of the work force, primarily in agriculture, commerce, and services. Although privatization is under way, government ownership remains dominant in the industrial sector. From 1993 through October 2000, 7,108 firms were privatized; 1,162 during the year. Approximately 1,200 firms are left in the State Privatization Fund's portfolio, including several of the country's largest firms. The economy contracted 6.6 percent in 1997, 5.4 percent in 1998, and 3.2 percent in 1999. However, GDP grew 2 percent during the year. GDP per capita in 1999 was about \$1,512. Exports decreased 1.5 percent in 1998 and rose 2.4 percent in 1999. Inflation increased from 40.6 percent in 1998 to 54.8 percent in 1999. Official statistics significantly understated economic activity because of the size of the informal economy.

The Government generally respected the rights of its citizens; however, several serious problems remained. Police use of excessive force resulted in one death. Some police officers continued to beat detainees. The Government investigated police officers suspected of abuse and in some cases indicted those accused of criminal activities in military courts. However, investigations of police abuses generally are lengthy and inconclusive and rarely result in prosecution or punishment. While some progress was made in reforming the police, cases of inhuman and degrading treatment continue to be reported. The Government promised important modifications to the criminal code in 1998, but no such changes were made. Prison conditions did not meet minimum international standards, and overcrowding remained a serious problem, despite improvements made in 1999. The judiciary remained subject to executive branch influence. Violence and discrimination against women remained serious problems. There was a large number of impoverished homeless children in large cities. Societal harassment of religious minorities still remained a problem, and religious groups not officially recognized by the Government sometimes complain that they receive discriminatory treatment from the authorities. Discrimination and instances of societal violence against Roma continued. Child labor was a problem. Trafficking in women and girls for the purpose of forced prostitution was a problem.

The Ombudsman's Office, which was established in 1997, registered 3,326 complaints as of early September 2000, 4,372 complaints in 1999, 2,985 in 1998, and 1,168 in 1997. The Ombudsman's role still is not fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings; however, Amnesty International and APADOR-CH, a nongovernmental organization (NGO) affiliated with the International Helsinki Federation, reported one case in which police used excessive lethal force against a member of the Romani minority.

On May 21, a police officer shot and killed Petre Letea, a Romani man, and wounded Marian Pilos in Bucharest as they were attempting to escape in a car. Police had stopped to ask Letea what he was doing in a parked car by an apartment block. When told that he was waiting for two friends, police entered the apartment block and found two men attempting to burglarize an apartment. The men fled. One disappeared, while the other, Pilos, got into Letea's car, and Letea drove away. The police officer who had remained on the street opened fire on the car, shooting Letea in the head and killing him and wounding Pilos with a shot in the back. A 1994 law on the organization of the police force allows police to shoot in order to stop persons who are fleeing from attempts to take them into custody. The law also allows the use of firearms against persons who have escaped detention or run away from an escort.

On November 30, Sorin Moldovan, deputy chairman of the Hunedoara County branch of the Party of Social Democracy in Romania (PDSR) was killed by an unknown assailant. It was unclear whether the murder was politically motivated. Moldovan was the head of the Hunedoara customs office and had been sentenced for taking bribes in 1997; the Supreme Court later lifted his sentence.

In several cases of deaths in custody or deaths reportedly due to police brutality during 1999, investigations and trials still are dragging on. There was no progress in the investigation of the death of Aurel Uluiteanu in police custody in September 1999 in Barcanesti. There were no further developments in the case of Cristian-Venus Dumitrescu, who allegedly was beaten by police in September 1999 and died

after he “threw” himself out of a third floor window en route to a police station. There was no progress in the investigation of the death of Sevastian Apostol, a Rom killed by police while trying to flee a bar where he had a serious conflict with the owner and other clients. There was no further investigation into the August 1999 case of Elinoiu Toader, who died after being beaten by police. There was no further investigation into the killing of Radu Marian, an unarmed Rom who was killed in October 1999 during a police raid on a group of cigarette smugglers.

According to the Government, the chief of police in Valcele was indicted in June 1999 for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot in the back and killed while in police custody. A lower court found the police officer not guilty, but the prosecutor’s office appealed the verdict in May 1999; the superior court’s decision still was pending at year’s end.

In several earlier cases of deaths in custody or deaths reportedly due to police brutality, investigations and trials still are dragging on, years later.

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

c. Torture and other Cruel, Inhuman, or Degrading.—Treatment or Punishment The Constitution prohibits torture and inhuman or degrading punishment or treatment, and these prohibitions generally were respected in practice; however, there were credible reports that police beat detainees and used excessive force.

Amnesty International cited numerous reports of torture and mistreatment. In 1999 in seeking to cover up the death of Elinoiu Toader, a witness allegedly was beaten to induce him to sign a statement that Toader had died as a result of alcohol abuse. At least two other witnesses were threatened similarly (see Section 1.a.).

Romani NGO’s claimed that police used excessive force against Roma and also subjected them to brutal treatment and harassment (see Section 5). In one case excessive force reportedly resulted in death (see Section 1.a.).

On January 8, Constantin Vrabie, of Candesti, was beaten severely by police officers in Buzau County. In December 1999, Vrabie had been fined approximately \$30 (600,000 lei) for failure to produce identification and insulting the police. On the evening of January 8 Vrabie, a friend named Valentin Barbu, and two more friends were stopped by three plainclothes policemen who took Vrabie and Barbu to a van and allegedly beat them. The two men were then taken to the Buzau police station. Vrabie was reportedly fined \$10 (200,000 lei) for insulting the police and Barbu was admonished. Medical examination of Vrabie by the Buzau county hospital after he was released noted that he had massive bruises on his eye, lip, and forehead. Marks on Vrabie’s lips and eye were still obvious on February 4 when he was interviewed by APADOR-CH representatives. Vrabie reportedly filed a complaint with the military prosecutor’s office and challenged his fine. Barbu also reportedly filed a complaint.

On January 25, Silviu Rosioru from Buzau County became involved in an altercation with several police officers from the Buzau intervention unit in a bar. The police threw Rosioru to the floor, handcuffed him, kicked him, and beat him with their batons. Rosioru was placed into a police van and then beaten on the way to Buzau police station. Rosioru was fined \$10 (200,000 lei) for insulting the bar owner and refusing a reasonable request to provide personal identification. Rosioru claims that his signature was falsified on his police report, which claimed that he confessed to these crimes. Police officers allegedly subjected a witness to the incident to pressure and intimidation to ensure that her statement was consistent with police reports. The chief of the Buzau intervention unit was reported by local press reports to have a record of violence. As a result of this case and the Vrabie case, both involving the Buzau County intervention unit, several police officers in the unit, including the commander, were administratively sanctioned, and several were removed from the unit.

On February 14, Alexandru Botu, of Prunaru village in the county of Teleorman, was reportedly beaten seriously by police. Botu had stopped in front of the shop S.C. Dina to talk to some acquaintances. The shop owner, the brother of Prunaru’s mayor, had had an altercation with Botu’s brother, beating him, in January. Botu finished his conversation and began to cross the street when he was stopped by the police chief and his deputy and led back to the shop. The shop owner closed the shop and its blinds and left. The policemen proceeded to beat Botu for about half an hour. A villager who heard Botu scream alerted Botu’s wife, who rushed to the shop and took Botu home. The next day he was taken to Alexandria hospital where he was diagnosed with a series of deep bruises and two broken ribs. When interviewed by APADOR-CH representatives a month later he was still in poor physical condition.

On May 18, in Bucharest a police officer shot Mugurel Soare, a Romani man, in the head and severely injured him. Police reports claimed that Soare and his brother, Vipan Soare, were chasing their former brother-in-law, Sorin Cutea, in order to

kill him. When detained by three plainclothes policeman sitting nearby in an unmarked car, who been informed of the chase by Sorin Cutea, Soare attacked one officer, allegedly injuring him with a knife, and was shot in the scuffle that followed. However, local newspapers later reported that witnesses to the incident claimed that Soare was unarmed. Soare's right side remains paralyzed, and he is unable to speak. He is reportedly unlikely to make a full recovery. The case remained under investigation.

Police reportedly abused journalists (see Section 2.a.).

In April 1998, a policeman with whom he had refused to share a pool game beat Nicolae Iloaie of Tandareni. Iloaie was hospitalized for 90 days. When he asked for a certified medical report for the forensic laboratory, the physician in charge refused to issue it. The case remained under investigation. In May 1998, a policeman shot Marian Ciulei from Brasov in the leg while he was running from a confrontation in a discotheque. The case remained under investigation.

In April 1998, the Government responded to the 1997 report of the U.N. Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. The Special Rapporteur received allegations of torture and mistreatment of detainees by the police. The Government in its response promised in 1998 to make modifications to the criminal code and to detention regulations, but no such modifications have been made.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive, and that some military prosecutors sometimes block proper investigation of alleged police abuses. The Government declined to provide updated information on cases of alleged police abuse from 1998 and 1997.

Prison conditions do not meet minimum international standards; however, the prison system is improving slowly as efforts increase to bring prisons in line with these requirements. The year's prison budget increased 74 percent over the 1999 budget. There are now a total of 41 penal units, 34 prisons, (an increase from 33 prisons in 1999), 5 prison hospitals, and 2 juvenile detention facilities. Nevertheless, overcrowding remains a serious problem, although it has improved slightly from 1999. On September 22, 49,540 people, including 1,571 minors, were under detention. The legal capacity of the system was 33,464.

In May 1999 a law providing for alternative sentences for minor offenses went into effect. The law provides for community service instead of a prison sentence and is aimed at reducing the prison population.

Human rights organizations continued to report the abuse of prisoners by other prisoners and prison authorities. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semiofficial charge of other prisoners. There were attempts to ameliorate this system in some prisons by giving the inmates some input in the selection of these "cell bosses." Prison guards wore firearms only when guarding prisoners working outside the prison, correspondence was no longer opened routinely, and inmates had the right to telephone calls. Prison authorities introduced some vocational training programs to assist inmates' future integration into society.

The Government permitted prison visits by human rights monitors, and several NGO's made such visits.

d. Arbitrary Arrest, Detention, or Exile.—The law forbids the detention of anyone for more than 24 hours without an arrest warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respected this provision in practice. Detention can be extended past the 30-day limit only by a court ruling. Detainees have the right to apply for bail and may ask for a hearing before a judge. Such a request must be granted within 24 hours.

However, police often appear to take advantage of Article 16, Section b in the Police Organization Law 26 of 1994, which states that persons endangering the public, other people, or social order and whose identity cannot be established, can be taken to a police station. Police often use this provision of the law to detain people for up to 24 hours at a police station.

Police often do not inform citizens of their rights. The law requires the authorities to inform arrestees of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement. However, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a center for the protection of minors are considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if aged between 14 and 16, they have

consciously committed a crime. However, since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restriction and may hold those suspected of criminal offenses for up to 30 days in such centers. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the Government to change it.

According to APADOR-CH, the Interior Ministry issued new instructions on detention in 1999 that provide for the confidentiality of discussions between detainees and their lawyers.

Exile was not used as a means of punishment.

e. Denial of Fair Public Trial.—Under the terms of a 1992 law, the judicial branch is independent of other government branches; however, it remains subject to influence by the executive branch. Although members of the Senior Council of Magistrates, which controls the selection, promotion, transfer and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council, the Justice Minister may avoid the appointment of members he does not want by simply keeping them off the agenda.

The 1992 law reestablished a four-tier legal system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court. The 1992 law that reorganized the judicial system divided the Prosecutor General's Office into 16 local offices (paralleling the appeals court structure) and established an office at the Supreme Court; the law also curtailed certain powers of the Prosecutor General, including the right to overturn court decisions and bypass appeals courts by going directly to the Supreme Court.

The law provides for fair public trial and the presumption of innocence. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice the local bar association provides attorneys to the indigent and is compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. These provisions of the law are respected in practice. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court.

In a notable case in January 1999, a criminal appeals court ruled against miners' union leader Miron Cozma and overturned the Government's implicit deal to protect Cozma from prosecution for his role in a miner's strike.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—During the year there were no reported instances of interference with individual citizens' right to privacy.

The Constitution provides for protection against the search of a residence without a warrant, but this protection is subordinate to "national security or public order." The 1992 National Security Law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection but also totalitarian, racist, and anti-Semitic actions or attempts to change the existing national borders. Security officials may enter residences without proper authorization from a prosecutor if they deem a threat to national security "imminent."

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Internal Intelligence Service (SRI) is prohibited legally from engaging in political acts (for example, wiretapping on behalf of the Government for political reasons). However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the SRI to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" in order to carry out intelligence activities involving "threats to national security." It may engage legally in a wide variety of operations to determine if a situation meets the legal definition of a threat to national security, or to prevent a crime.

Legislation that permits citizens access to secret police files kept by the Communist government was passed in 1999. Under the law, any Romanian or foreign citizen who had Romanian citizenship after 1945 is entitled to have access to his file; a council approved by Parliament reviews the files and release the information unless it was a state secret or could threaten national security. The files remain in the custody of Romania's intelligence services. This law has been criticized on the grounds that it exempts files of current employees of the intelligence services for review, and changes the definition of informer to require actual payment. Many informers were unpaid volunteers.

The NGO Romani CRISS reported that on September 26, police evicted 12 Romani families from an apartment building in Bucharest. According to the testi-

mony of the evicted Roma, they did not receive prior notice of the evictions, nor did the police present them with warrants for eviction. During the eviction police reportedly intimidated and harassed the families. The police station chief stated that the eviction was conducted pursuant to the permission of the prosecutor's office of the Sector Three Court of Bucharest. A spokesperson for the Bucharest city government stated that the Roma were illegally occupying the building and that they were housed in a hostel after their eviction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the Constitution provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting “defamation of the country” and “offense to authority;” the Government respected the constitutional provisions in practice.

An amended Penal Code passed by Parliament in 1996 rectified many of the shortcomings of the former, Communist-era code. However, the new version is criticized by human rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists. Despite official promises that jail terms would be removed from penalties for libel and calumny, Parliament has yet to amend the relevant sections of the Penal Code. Consequently, Articles 205 and 206 concerning libel and calumny and articles 238 and 239 concerning offense to authority and defamation of character are still in force.

On the recommendation of the Council of Europe, legislation that would reduce the sentence for violating Article 205 to a fine instead of a prison term, and that would decrease a violation of Article 206 to 3 to 12 months instead of the previous 2 to 6 years passed the Chamber of Deputies in June. This legislative package would have abolished Article 238, which criminalizes an offense against authority, along with Article 239, paragraph 1, which establishes a crime of verbal outrage against the authorities. However, the legislation failed to pass in the Senate during the year.

The Government failed to rescind the prohibitions on “defamation of the nation” and “defamation of public officials” used to harass and punish journalists who report governmental or bureaucratic corruption. In 1999 several journalists were arrested and tried during the year for reporting on corruption by local government officials; journalists who were investigating corruption cases were also targets of violence.

There were reports of police abuse of journalists. In May police severely beat Valentin Dragin, a Constanta-based journalist, while he was trying to photograph a party hosted by Constanta County's police chief. Dragan suffered several injuries, including a broken leg. He received most of his injuries from press officer Major Marian Saragea. The Interior Ministry still was investigating the matter.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers are published. Several private television stations broadcast nationwide, with the largest reaching approximately 20 percent of the rural and 80 percent of the urban market. There are 72 private television stations and 162 private radio stations. Approximately 2.8 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. Romanian State Television (RTV) and Radio Romania remained at year's end the only national broadcasters capable of reaching the bulk of the rural population. Independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions. A French media group received a license for a private radio nationwide broadcasting operation in 1999 and is operating. Romania plans to bid licenses for another nationwide radio license in the future.

Foreign news publications may be imported and distributed freely, but high costs, relative to domestic publications, limit their circulation.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government respected that right in practice. The law on public assembly provides for the right of citizens to assemble peacefully while unarmed but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counterdemonstration held at the same time as a scheduled public gathering.

The law forbids public gatherings to espouse Communist, racist, or Fascist ideologies or to commit actions contrary to public order or national security. Unau-

thorized demonstrations or other violations are punished by imprisonment and fines.

The Constitution provides for freedom of association, and the Government respects this right in practice. Political parties gain legal status if they have at least 10,000 members. (The minimum membership required was increased in 1996 in order to reduce the number of small parties.) Associations may be granted legal status with proof of only 20 founding members and over 200 supporting members.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally does not impede the observance of religious belief. However, several denominations continued to make credible allegations that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytizing. The press reported several instances when adherents of minority religions were prevented by others from practicing their faith, and local law enforcement authorities did not protect them. Members of religious communities not officially recognized by the Government during the year again accused government officials of harassment—allegations denied by the Government. Proselytizing that involves denigrating recognized churches is perceived as provocative.

Under the provisions of a 1948 decree, the Government recognizes 14 religions. A December 1989 decree reestablished the Catholic Church of the Byzantine rite, or Greek Catholic Church, which had been merged forcibly with the Romanian Orthodox Church by the communists in 1948. Only the clergy of these 15 recognized religions are eligible to receive state financial support. The number of adherents each religion had in the last census determines the proportion of the budget each recognized religion receives. Representatives of minority religious groups dispute the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or simply assigned an affiliation in some cases even without inquiring about religious affiliation.

The Government requires religious groups to register. To be recognized as a religion, religious groups must register with the State Secretariat for Religious Denominations and present their statutes, organizational, leadership, and management diagrams, and the body of dogma and doctrines formally stated by a religion. Representatives of religious groups that sought recognition after 1990 allege that the registration process was arbitrary and unduly influenced by the Romanian Orthodox Church. They also allege that they did not receive clear instructions concerning the requirements and that often the time frame in which a decision on their application has to be made is not respected by the State Secretary of Religions. Not one religious group has succeeded in receiving religion status since 1990. For example, although the Romanian Supreme Court has recognized that Jehovah's Witnesses are a religion, the State Secretariat for Cults and the Military Court of Appeals refuse to do so.

The Government registers religious groups that it does not recognize as "independent religions" either as religious and charitable foundations or as cultural associations. This registration process was simplified, in theory, by a new law enacted on May 1. The Government currently interprets this law as forbidding religious groups registered as associations or foundations from building churches or other buildings designated as houses of worship.

The Romanian Orthodox Church, to which approximately 86 percent of the population nominally adheres, predominates. The official registration of religious associations is extremely slow because of bureaucratic delays; in this regard, smaller religious groups have criticized the State Secretariat for Religious Affairs for its obstructionist tactics in favor of the Romanian Orthodox Church. A draft bill on religious denominations proposed in September 1999, which most religious groups objected to on the grounds it would have increased state control over religious activity and made the Romanian Orthodox Church the national church, was withdrawn in February.

The Greek Catholic Church has made only limited progress in recovering its properties taken by the Romanian Orthodox Church after its forced merger in 1948. Of approximately 2,600 properties to which it has claim, only a handful have been returned. The Greek Catholics say they have received 136 churches, while the Government claims 142 churches have been returned as of this year. The Greek Catholic Church has very few places of worship. Many followers still are compelled to hold services in public places or parks (260 such cases, according to Greek Catholic reports) because most of the former Greek Catholic churches have not been returned. A joint Orthodox and Greek Catholic committee formed by government decree in 1990 has failed to resolve the issue due to Orthodox resistance, despite the scaling back of the Greek Catholic requests from 2,600 properties to 300 churches. Restitution of the existing churches is important to both sides because local residents, who prize tradition, are likely to attend their local church whether it is Greek Catholic

or Orthodox. Thus the number of believers and share of the state budget allocation for religions is at stake. The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, largely have not received their property back from the Government. Out of 1,400 to 1,450 buildings claimed by the Hungarian churches, they have received about 10. The Jewish community reported in May that out of 21 properties nominally returned by the Government, it only has obtained actual possession of 5.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Government places no restrictions on travel within the country, except for certain small areas reserved for military purposes. Citizens who wish to change their place of work or residence do not face any official barriers. The law stipulates that citizens have the right to travel abroad freely, to emigrate, and to return. In practice citizens freely exercise these rights.

The 1996 refugee law implemented the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. This legislation established a refugee office in the Interior Ministry to receive, process, and house asylum seekers. The Ministry received 807 applications for asylum in the first 6 months of 1999; more recent figures were unavailable.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. In mid-1998 the Interior Ministry and the Labor Ministry began funding programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) is minimal, usually not enough to cover basic needs. The Government provides temporary accommodation in only a few locations; more facilities are to open as funds are made available. Programs for integrating refugees into society are developing slowly. An increasing number of transiting illegal migrants regards the country as a springboard to the West.

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 through periodic and free elections held on the basis of universal suffrage, and citizens exercise this right in practice.

In November and December the left-center Democratic Socialist Party of Romania (PDSR) won a near majority in the legislature and the PDSR candidate, Ion Iliescu, won the Romanian presidency. The PDSR planned to govern as a minority government. The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread voting fraud by the losing PRM candidate, Corneliu Vadim Tudor, were not judged credible.

No legal restrictions hinder the participation of women in government or politics; however, societal attitudes are a significant impediment, and women are underrepresented significantly in government and politics. Before the November 26 elections, there were 2 women out of 143 senators, and 25 women out of the 343 deputies in the lower house of Parliament, or 5.6 percent of total seats in Parliament. However, after the November elections, the percent of women in Parliament increased to 9.8 percent. Prior to the November elections, there was one female cabinet member; the current cabinet has five female members.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright (1,784 votes in the 1996 elections). Organizations representing 15 minority groups elected deputies under this provision in 1996. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. One Romani parliamentarian, the former Romani minority representative, joined the PDSR and sits in the legislature in addition to the one seat provided for Roma by the Constitution and electoral legislation.

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

Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Insti-

tute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections monitoring the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

The Government cooperates with local and international monitoring groups, although some offices are slow to respond to inquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating such abuses, responds unevenly to inquiries from monitors. Often victims are reluctant to come forward, and the Government does not promote transparency in this regard.

The Ministry of the Interior stiffened conditions for prison visits by human rights organizations in February. The new regulations, which are authorized by internal regulations the Ministry does not release to the public, require the visit be requested by a prisoner, and be announced 3 to 4 days in advance.

With the aim of protecting citizens against abuses or capricious acts of public officers, the Ombudsman's Office envisioned under the 1991 Constitution was instituted by law in March 1997, and its first appointee, Paul Mitroi, took office in June 1997. However, due to a lack of office space, the office began working at normal capacity only at the beginning of 1998; by November it had received 4,255 cases. The office is registering these complaints and is obliged by law to provide an initial response within a year of the date they were recorded. It deals not just with human rights but with all facets of citizens' interaction with the Government.

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

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion and political allegiance, wealth, or social background. However, in practice the Government does not enforce these provisions effectively, and women, Roma, and other minorities are subject to various forms of extralegal discrimination. Homosexuals reportedly have been the victims of police brutality in the past.

In September the Government issued emergency ordinance number 137 which outlaws discrimination based on a number of factors and introduces the ability to sue on the grounds of discrimination. An emergency ordinance has the effect of law unless it is nullified by the Parliament.

Women.—Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence is common, and a 1999 report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace is not uncommon since their subordinate position exposes them to greater risk. According to UNICEF, the country has an average of 108 sexual incidents per 1,000 women and 41 assaults per 1,000 women. Under a government pilot project begun in 1997, a shelter for victims of domestic violence opened in Bucharest in 1997. The shelter can accommodate only four persons. It received 490 calls for help during 1998 on a hot line, and registered 230 walk-in victims. The prosecution of rape is difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. There is no specific legislation dealing with spousal abuse or rape, and successful prosecution of spousal rape is almost impossible. Police are often reluctant to intervene in instances of domestic violence.

In April the Romanian edition of *Playboy* published a satirical article that explained in graphic detail how to beat one's wife without leaving marks. International and domestic protests led to apologies by *Playboy's* foreign editors and local publisher, and in July the Romanian edition of *Playboy* published an article on the costs of domestic violence.

Trafficking in women for the purpose of forced prostitution continues to be a growing problem. Several domestic prostitution rings are active (see Section 6.f.).

The Constitution grants women and men equal rights. However, in practice the Government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues.

Few resources are available for women who experience economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. In 1996 the Government created a department in the Ministry of Labor and Social Protection to advance women's concerns and family policies. This department organizes programs for women, proposes new laws, monitors legislation for sexual bias, targets resources to train women for skilled profes-

sions, and addresses the problems of single mothers, especially in rural areas. In 1998 this department organized with the U.N. Development Program a series of conferences on "promoting gender politics." An Ombudsman was created within the department for child, woman, and family protection in 1998, but the total budget for women's programs for 1999 was less than \$75,000.

Children.—The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas. However, living conditions in all child care institutions very seriously deteriorated in 1999 for financial and administrative reasons and did not improve during the year. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equally bad in all institutions, the general situation in the summer could only be described as unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were approximately 60,000 orphans in state institutions.

There was no perceptible societal pattern of abuse against children. Nevertheless large numbers of impoverished and apparently homeless, but not necessarily orphaned, children were seen on the streets of the larger cities. The Government does not have statistics defining the scope of the problem. NGO's working with children remained particularly concerned about the number of minors detained in jail and prison. These NGO's continued to seek alternative solutions, such as parole for juveniles. Because time served while awaiting trial counts as part of the prison sentence but does not count towards time to be served in a juvenile detention center, some minors actually requested prison sentences.

The prevalence of child labor in the Roma community is widespread (see Section 6.d.).

The sexual exploitation of children continued to attract press attention, and the police staged a few high-publicity arrests of foreign pedophiles. Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.). Other issues, such as adequate legislation to protect children, received less attention. The law does not outlaw pedophilia expressly. Instead, pedophiles are charged with rape, corporal harm, and sexual corruption.

People with Disabilities.—Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Many disabled persons cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law does not mandate accessibility for the disabled to buildings and public transportation. According to official statistics, there were 3,500 disabled children living in state institutions.

Religious Minorities.—Most mainstream politicians publicly have criticized anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic harangues. The Romanian Orthodox Church has attacked the "aggressive proselytism" of Protestant and neo-Protestant groups.

In October a 19th century synagogue in Timisoara was vandalized and several religious items were stolen. A Jewish cemetery was desecrated in Turnu-Severin. There was no progress in the investigations of the desecrations of Jewish cemeteries in Galati and Transylvania in 1999. On December 28, two men attacked a guard at the Jewish History Museum in Bucharest and vandalized the exhibit. No arrests had been made at year's end.

National/Racial/Ethnic Minorities.—The Department for the Protection of National Minorities has the responsibility to monitor the specific problems of persons belonging to ethnic minorities, to maintain contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints.

Ethnic Hungarians, numbering more than 1.6 million, constitute the largest and most vocal minority, and their UDMR party was a coalition member in the ruling Government for most of the year. Many of the issues addressed in the Romanian-Hungarian treaty of 1996 were implemented. Progress was made on economic issues, high-level visits, and infrastructure improvements such as border crossings. A government decree on Hungarian-language minority education was enacted and went into force in 1999. The decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania.

The Romani population, officially estimated by the Government at 400,000, is estimated by the European Commission to number between 1.1 and 1.5 million. The European Roma Rights Center (ERRC) reported a case of ethnically motivated violence against Vasile Florica, a Rom, and his family in April. Non-Romani villagers

in Palos repeatedly beat Florica and attacked his wife and children. Florica filed a complaint with the Military Prosecutor's Office against a police officer and four civilian perpetrators; the case remained under investigation. Romani groups complain of routine police brutality, prejudice, and racial harassment at the local level. Four people arrested, tried, and convicted in a 1993 incident in Hadareni, in which three Roma died in a house burning, were released in 2000 after serving their sentences. The victims are considering appealing to the European Court of Justice, arguing that the sentences given to the perpetrators were too light at 2 to 6 years.

In February Bucharest-based Roma organizations filed charges against Marcel Fluerau, a journalist for the National, for using racist language in an article. On March 21, Radio Free Europe/Radio Liberty reported that Minister of Foreign Affairs Petre Roman stated that the Government had an obligation to "protect 23 million Romanians against the few thousand Gypsies" who were damaging the country's image abroad. The NGO Romani CRISS reported a job announcement, posted in Bucharest's Third Sector Labor Force Office by a private firm called S.C. Guard, which stated, "no Roma accepted." Romani CRISS filed a complaint with the Ombudsman's Office but had not received a response as of October 10. There was no further progress on the ban on Roma in the Iasi County hospital, where Roma who cannot afford to pay for medical treatment and cannot prove that they have medical insurance provided by the State are banned from the hospital. Some steps have been taken toward establishing an institutional framework to improve the conditions of the Roma, but in practice little progress has been made. The Department for the Protection of National Minorities and a working group of Roma associations set up by the Roma community signed an agreement for drafting a strategy for the protection of the Roma minority. However, the Roma office within the GOR is still understaffed with two civil servants. Meanwhile, the Roma population continues to be subject to societal discrimination.

According to Human Rights Watch, the ERRC lodged applications against Romania with the European Court of Human Rights regarding cases of violence and destruction of property in Casinul Nou (1990) and Plaiesii de Sus (1991). These cases had been denied in Romanian courts in part because the statute of limitations had expired before they could initiate final appeals, due to the slowness of the court system. Police in both cases failed to conduct on-site investigations.

Section 6. Worker Rights

a. The Right of Association.—All workers except certain public employees have the right to associate freely, engage in collective bargaining, and form and join labor unions without previous authorization. Intelligence, Ministry of Defense, and Ministry of Interior personnel are not allowed to unionize. Trade unions may acquire property, support their member's exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching and research bodies, establish commercial enterprises and banks, and borrow money. Limitations on the right to strike apply only to industries that the Government considers critical to the public interest and to other public employees. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. The majority of workers are members of about 18 nationwide trade union confederations and smaller independent trade unions.

The International Confederation of Free Trade Unions (ICFTU) 2000 "Annual Survey of Violations of Trade Union Rights" reported that violations of trade union rights continued in practice. The unions reported that the Government interfered in trade union activities, collective bargaining, and strikes. The requirements to register a union were excessive.

Amendments to Romania's 1991 law on labor disputes in November 1999 brought some improvements and eliminated many restrictions. It widened the scope of the right to strike, although it continues to be difficult to hold a legal strike because of lengthy and cumbersome procedures. Union members complained that unions must submit their grievances to government-sponsored conciliation before initiating a strike, and they were frustrated with the courts' propensity to declare illegal the majority of strikes on which they have been asked to rule. Past studies indicated that the labor legislation adopted in 1991 falls short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, the financial liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices to "employees." Although the 1991 legislation supports collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner. Unions representing a wide range of economic sectors carried out strikes during the year, often protesting wage levels that did not

keep pace with the rate of inflation. Early in the year, railway workers went on strike and only returned after a court determination that their strike was illegal. Additionally public education was suspended for several weeks until the Government awarded back wages and a pay increase to teachers. Utility company employees, lawyers, defense industry workers, textile workers, and public finance workers also carried out strikes, pressing for higher wages during the year. While most of these strikes ended with government promises to improve wages and working conditions, union leaders complain that these agreements frequently are not implemented.

The November 1991 collective labor dispute law defined the conciliation, mediation, and arbitration procedures under which strikes can be conducted. An important provision from both the labor and management perspective was the establishment of tripartite arbitration panels. The list of arbitrators must be approved by the economic and social council where trade unions and employers associations each have one-third of the membership.

In January 1999 striking coal miners from the Jiu valley launched a march on Bucharest to protest mine closures. Due to previous violent miners' demonstrations the government denied them permission to march to Bucharest. Defying the Government decision, the miners continued on and attacked law enforcement officials. However, the Government succeeded in restoring order, and the perpetrators of the violence were arrested and tried.

The law stipulates that labor unions should be free from government or political party control, a provision that the Government has honored in practice. Unions are free to engage in political activity and have done so.

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania is affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visit and advise domestic trade unionists.

b. The Right to Organize and Bargain Collectively.—Workers have the legal right to bargain collectively, but collective bargaining efforts are complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government. Public employees may bargain for everything except salaries, which are set by the Government.

Antiunion discrimination is prohibited by law.

Labor legislation is applied uniformly throughout the country, including in the four free trade zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced or compulsory labor, including that performed by children, and the Ministry of Labor and Social Protection generally enforces this prohibition; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years, but children as young as the age of 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working under dangerous or hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of from 2 months to 3 years, although there is no recent evidence of anyone being charged or convicted under this law. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law. There is no recent evidence of anyone being charged or convicted under this law. The Constitution prohibits forced and bonded child labor, and the Government generally enforces this provision; however, trafficking in girls is a problem (see Sections 5, 6.c., and 6.f.).

A department in the Office of the Prime Minister was established in 1997 responsible for child protection. Local organizations were established in the counties and city of Bucharest to enforce child labor laws. As of September, the Ministry of Labor and Social Protection confirmed that violations of the child labor laws have not been controlled.

There are no accurate statistics of the number of illegally employed children. However, there is growing recognition of the problem. The Ministry of Education reported that 500,000 children under the age of 15 left school in 1997–98, which is approximately 20 percent of the school-age population. The prevalence of child labor

in the Roma community is widespread (see Section 5). As the economy continues to restructure and as the gray market grows, the incidence of child labor is expected to increase. In March the ILO and the Ministry of Labor and Social Protection agreed to form a task force to collect data and assist in organizing a national steering committee to combat child labor. The first meeting of the committee was held on July 4. The ILO is to provide \$600,000 to assist 1,500 children to return to school.

e. Acceptable Conditions of Work.—Most wage rates are established through collective bargaining at the enterprise level. However, they are based on minimum wages for specific economic sectors and categories of workers that the government sets after negotiations with industry representatives and the labor confederations. Minimum wage rates generally are observed and enforced. During the year, the minimum monthly wage, an equivalent of about \$30 (700,000 lei), did not keep pace with inflation and did not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating have risen dramatically. However, basic foodstuffs and pharmaceutical products still are subject to price ceilings. Housing is no longer subsidized. A proposal to raise the minimum wage to 1 million lei was approved in November.

The Labor Code of 1991 provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations. The Labor Code was to be revised during the year. However, trade unions and business associations were not included in the drafting discussion. No agreement could be reached on changes and no new legislation was presented to Parliament by year's end.

Some labor organizations lobby for healthier, safer working conditions on behalf of their members. However, neither the government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them. However, it lacks sufficient trained personnel for inspection and enforcement, and employers often ignore its recommendations. In 1999 a department was established within the Ministry to conduct comprehensive safety inspections. European Union PHARE funds have assisted in building capacity within the new department. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice, appearing to value increased pay over a safe work environment.

f. Trafficking in Persons.—Trafficking in women is an underreported but serious problem. The law is vague and outdated and does not address trafficking directly. Those involved in trafficking may be prosecuted for such offenses as prostitution and procurement, falsifying documents, assisting individuals to cross borders illegally, blackmail, forced labor, or illegal deprivation of freedom.

Romania is both a source and a transit country for trafficked women and girls. The full extent of the problem is not known, since neither the Government nor NGO's maintain statistics on this issue; however, there is evidence that the problem is growing. The International Organization for Migration (IOM) office in the country reported that during the year about 141 women and girls were repatriated from sexual slavery by December, including 7 from Cambodia and 5 from Moldova. Figures for 1999 were less than 10. The number of individuals prosecuted for prostitution and procurement has been increasing since 1997, but this phenomenon appears to be partially due to an increased awareness of the problem among law enforcement officials as well as to an increase in the activities themselves. The IOM Romania estimates that as many as 20,000 women are trafficked from Romania each year.

It is estimated that there are between 20,000 to 22,000 illegal immigrants, and that part of this total is a result of illegal trafficking. According to official statistics, 28 groups that tried to transit the country illegally were discovered in 1998. Women reportedly were trafficked to Serbia, Macedonia, Turkey, Albania, Bosnia and Herzegovina, Greece, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan and Cambodia. Romania remains a popular transit country for persons, especially women, being trafficked from the Republic of Moldova, Ukraine, and other parts of the former Soviet Union. Iasi and Timisoara are major centers. Romania is also a source country; in 1997 the Government of Turkey deported some 7,000 Romanian women. Authorities in the Netherlands broke up a trafficking ring late in 1999 that victimized some women from Romania. In May of this year, the Romanian embassy in Abu Dhabi had under its protection

3 Romanian women who alleged that they were brought to the United Arab Emirates under false pretenses and were forced to engage in prostitution. Their passports were allegedly confiscated by their traffickers. In August Cambodian police and U.N. human rights officers rescued seven women from Romania and Moldova who had been trafficked and forced into prostitution there.

Women often are recruited to work abroad by friends, relatives, or newspaper advertisements. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women are sold into prostitution by their parents or husbands or are kidnaped by trafficking rings. Ministry of Interior officials reported that trafficking rings appear to be operated primarily by Romanians. Several domestic prostitution rings are active.

No separate IOM statistics exist for children trafficked to other countries. The Romanian NGO *Sanse Egale Pentru Femei* (Equal Opportunities for Women) reports that cases of trafficking in children rose from 8 in 1997 to 43 in 1999. In 1998, the NGO *Save the Children* dealt with 101 cases of children, mostly Roma, being taken to Germany and Italy and being forced to work as beggars or petty thieves. Trafficking of girls for prostitution is also a problem. The country has an extensive system of orphanages with approximately 60,000 dependents, and many are complicit in letting girls escape into prostitution. Children forced out of orphanages between the ages of 16 and 18 often have no identity documents, very little education, and few, if any job skills. NGO's estimate that many girls from these orphanages fall victim to trafficking networks.

Legislation is generally inadequate to deal with this issue, and while the Government is beginning to recognize trafficking as a problem, it has not yet been able to mount any effective efforts to combat it. Corruption in the police force, particularly in local forces, also may contribute to the problem. Police officials often deny that Romania is a source country for trafficking; however, acceptance of the problem is slowly growing.

One problem raised by law enforcement officers is that victims transiting or leaving the country may be doing so voluntarily, under the false belief they are accepting legitimate jobs or are unaware of the exploitation they will face if they are aware that they are to be prostitutes. Victims returned to Romania in the past have been prosecuted for the crime of leaving the country illegally, reducing their willingness to return or to cooperate with law enforcement authorities. Because there is no legislation that directly addresses trafficking, victims have no way to press charges against traffickers. The law also does not ensure a woman's safety if she decides to speak out against a trafficker. Legislation for the protection of minors is similarly inadequate.

A very small number of local NGO's deal with trafficking issues. There are two shelters for victims of sexual abuse. Some NGO's expressed fear of reprisal from organized crime groups as a deterrent that prevents them from taking aggressive action against traffickers. NGO's are having some success in providing training for and working with local police forces on trafficking.

Awareness of human trafficking is low. No large-scale awareness campaigns have been launched to publicize the issue and the dangers of accepting employment abroad. The IOM, working with local NGO's, plans to start a campaign in 2001.

The Southeastern Europe Cooperation Initiative's task force on trafficking in human beings met twice during the year. As part of this initiative a seven man police unit of officers fully dedicated to combating human trafficking was established in November and December.

RUSSIA

The 1993 Constitution established a governmental structure with a strong head of state (a president), a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of the State Duma (lower house) and the Federation Council (upper house). Unlike its predecessor, this Duma is characterized by a strong pro-presidential center that puts a majority within reach of almost all presidential priorities. Both the President and the Duma were selected in competitive elections, with a broad range of political parties and movements contesting offices. President Vladimir Putin was elected in March, and Prime Minister Mikhail Kasyanov took office in May. Both the presidential elections and the December 1999 Duma Elections were judged by international observers to be largely free and fair, although in both cases pre-election manipulation of the media was a problem. There were credible reports in March of election fraud in some locations; however, there was no evidence that such abuses affected the outcome of the presidential election.

There were some modifications to the legislature and administrative structures; however, democratic institution building continues to face serious challenges, in part due to significant limitations on the state's financial resources. The judiciary, although still seriously impaired by a lack of resources and by high levels of corruption, has shown signs of limited independence.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces is national defense, although they have been employed in local internal conflicts for which they are prepared inadequately, and they are available to control civil disturbances. Internal security threats in parts of the Russian Federation in some recent cases have been dealt with by militarized elements of the security services. These same organizations are tasked with domestic law enforcement. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous, serious human rights abuses.

Economic recovery following the August 1998 financial crisis and the steep ruble devaluation continued to exceed expectations. Gross domestic product (GDP) grew 3.5 percent in 1999, and according to preliminary estimates was 7.6 percent in 2000. Industrial production increased by 9 percent in 2000. GDP was estimated at \$197.1 billion for the year. In 1999 inflation was 36.5 percent; by year's end it was 20.2 percent. The ruble's devaluation continued to give domestic producers a significant cost advantage over imported goods, although the ruble has appreciated approximately 10 percent since the 1998 crisis. Economic growth during the year was led by a recovery in domestic demand, with net exports contributing less than in previous years. Real income grew in the first half of the year by 8.7 percent, compared with the same period in 1999 but remained 10 percent lower than in 1998 and 25 percent lower than in 1997. Average wages increased to \$89 per month by year's end, compared with \$66 per month in the fall of 1999. However, approximately 36 percent of citizens continue to live below the official monthly subsistence level of \$35. Official unemployment was 10.2 percent, down from 12 percent at the beginning of the year. Reported levels of barter transactions—which make up a significant element in the economy—declined steadily in 1999, stabilizing during the last quarter of 1999 and the first quarter of the year. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in many areas, serious problems remain, including the independence and freedom of the media and the conditions of pre-trial detention and torture of prisoners. Its record was poor in Chechnya, where the Russian security forces demonstrated little respect for basic human rights and there were credible reports of serious violations. There were numerous reports of extrajudicial killings by both the Government and Chechen separatists. Beatings by security officials throughout the country resulted in numerous deaths and injuries. Law enforcement and correctional officials tortured and severely beat detainees and inmates. Police also beat, harassed, and extorted money from persons. Prison conditions continued to be extremely harsh and frequently life-threatening. According to human rights groups, approximately 11,000 detainees and prison inmates die in penitentiary facilities annually, some from beatings, but most as a result of overcrowding, inferior sanitary conditions, disease, and lack of medical care. The Government made little progress in combating abuses committed by soldiers, including "dedovshchina" (violent hazing of new recruits). Military justice systems consistent with democratic practices remained largely underdeveloped. While the military Procuracy reported decreases in the number of reported crimes and hazing incidents in 1999, human rights groups continued to receive the same number of complaints of such abuses and claimed that only about 10 to 12 percent of serious cases are reported. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, elevating arbitrary judgments of unit commanders over the rule of law.

Arbitrary arrest and detention and police corruption remain problems. Police and other security forces in various parts of the country continued their practice of harassing citizens from the Caucasus, Central Asia, Africa, and darker-skinned persons in general through arbitrary searches, detention, beatings, and extortions on the pretext of fighting crime and enforcing residential registration requirements. In August human rights groups in Moscow complained of increased detentions of persons from the Caucasus. Lengthy pretrial detention remained a serious problem. Institutions such as the Ministry of Internal Affairs have attempted to educate officers

about safeguarding human rights during law enforcement activities through training provided by other countries; however, such institutions remain largely unreformed and have not yet adopted practices fully consistent with standards of law enforcement in a democratic society. The President and the Government were mostly silent about violations of human rights and democratic practice. While the President made statements about the need for a "dictatorship of law," the Government has not institutionalized the rule of law required to protect human rights. Most abuses occur at lower levels, but government officials do not investigate the majority of cases of abuse and rarely dismiss or discipline the perpetrators.

The Government made no progress during the year in the implementation of constitutional provisions for due process, fair and timely trial, and humane punishment. In addition the judiciary often was subject to manipulation by central and local political authorities and was plagued by large case backlogs and trial delays. There were some indications that the law was becoming an increasingly important tool for those seeking to protect human rights; however, serious problems remain. For example, in August the Procurator appealed the December 1999 ruling by a St. Petersburg judge that found Aleksandr Nikitin, a retired Soviet Navy captain and environmental reporter, not guilty on charges of treason and espionage. The Presidium of the Supreme Court rejected this appeal on September 13, ending Nikitin's four year legal battle with the FSB and the Procurator.

Authorities continued to infringe on citizens' privacy rights. Government technical regulations that require Internet service providers and telecommunications companies to invest in equipment that enables the FSB to monitor Internet traffic, telephone calls, and pagers without judicial approval caused serious concern. However, in response to a challenge by a St. Petersburg journalist, the Supreme Court ruled in September that the FSB is required to obtain and show court approval to telecommunications companies before it can proceed to initiate surveillance. Past practices raised questions among many observers about whether the FSB would abide by this ruling.

The Government's record on media freedom worsened and significant problems persist. There was persistent evidence of government pressure on the media. Federal, regional, and local governments continued to exert pressure on journalists by: initiating investigations by the federal tax police, FSB, and MVD of media companies such as independent Media-Most; selectively denying access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence unduly the appointment of senior editors at regional and local newspapers and broadcast media organizations; and removing reporters from their jobs and bringing libel suits against them. The disappearance and subsequent arrest and prosecution of Radio Liberty reporter Andrey Babitskiy caused great concern, since there was credible evidence that the Babitskiy case was politically motivated and that units of the Federal Government were involved in trying to silence critical reporting about the Chechen conflict.

The Federal Government took few steps to mitigate the potentially discriminatory effects of a 1997 religion law that required national and local religious organizations to register or reregister with the Government. By year's end approximately 70 percent of religious organizations had managed to register or reregister their local organizations successfully. There were numerous reports that religious organizations from certain minority or "nontraditional" denominations either were denied registration or experienced long delays in reregistration. The delays in reregistration are in part due to the slow pace at which the federal Ministry of Justice at first disseminated the regulations and guidelines to local authorities and to understaffing both at the Ministry of Justice and at local levels. However, delays and rejections also are due in part to discrimination by some local officials. Religious organizations and human rights experts have suggested repeatedly that the law be amended to extend the period for reregistration to prevent a situation in which a large number of religious organizations are left unregistered and therefore vulnerable to legal liquidation by court order after year's end. No extension was implemented by year's end. While the previous presidential administration promised to implement measures to discourage local authorities from attempting to liquidate (i.e., eliminate the organization's status as a juridical person) unregistered religious organizations, President Putin and the Government did not comment on the law by year's end. Critics of the Religion Law fear that, while the law does not require the closure of unregistered religious organizations, that may be the practical effect of losing legal status. Discriminatory practices at the local level were attributable in part to the decentralization of power that took place during the Yeltsin administration, as well as

to government inaction and widely held discriminatory attitudes; it remains unclear whether President Putin's efforts to strengthen central authority throughout the country might in some cases affect the situation for religious minorities.

Despite constitutional protections for citizens' freedom of movement, the Government places some limits on this right, and some regional and local authorities (most notably the city of Moscow) restrict movement through residence registration mechanisms. These restrictions, although repeatedly challenged in city court (most recently in September with success by a human rights organization), remain largely in force and are tolerated by the Federal Government. The presence of these restrictions, which increased following terrorist bombings in September 1999 and were reinvigorated following an explosion in Moscow in August, demonstrated the continued obstacles to the enforcement of judicial rulings.

Government institutions intended to protect human rights are still weak and lack independence but are becoming more active. Human Rights Ombudsman Oleg Mironov has played an increasingly public role in promoting human rights, speaking out on human rights abuses in pretrial detention, Chechnya, psychiatry, and on religious freedom. Mironov has an office with 150 staff members who investigate human rights complaints and promote human rights education. The Presidential Human Rights Commission, chaired by Vladimir Kartashkin, also investigates human rights complaints and promotes human rights education. Kartashkin currently is working with the armed forces to introduce human rights training manuals for soldiers. Nonetheless, the Presidential Commission has not played a vital role and receives limited financial support from the Government. The Office of Vladimir Kalamanov, the Presidential Representative for Securing and Defending Human Rights and Freedoms in Chechnya, is understaffed, underfunded, and has as limited mandate. While Kalamanov worked with the Council of Europe and the nongovernmental organization Memorial, he lacked a prosecutorial mandate and even the independence and resources to monitor human rights abuses adequately. Nongovernmental organizations (NGO's) in the human rights field documented and reported on human rights violations; however, they also reported some limited governmental interference. Some environmental and human rights groups complained of harassment from the Procuracy, tax police, and the FSB. In August armed masked men accompanied by a local police official in uniform raided the office in Moscow of the Glasnost Public Foundation, a human rights organization, holding personnel at gunpoint for nearly 40 minutes.

Violence against women, and the abuse of children remain problems, as does discrimination against women and religious and ethnic minorities. People with disabilities continue to face immense problems from both societal attitudes and lack of governmental support. Societal discrimination, harassment, and violence against members of some religious minorities remained a problem. Although there were improvements in some areas, there were continued reports of religious violence in the North Caucasus and several serious anti-Semitic incidents to which the government did not adequately respond. There were credible allegations of politically motivated government interference in the internal affairs of the Jewish community. There are some limits on worker rights, and there were reports of instances of forced labor. Trafficking in women and young girls is a serious problem.

Chechen separatists reportedly committed abuses, including the killing of civilians and Russian security forces they captured. Government officials accused separatists of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999 and continuing into the year; hundreds of civilians were killed or injured.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed political killings by agents of the Government.

During the conflict in Chechnya in February, there were credible reports that the military used indiscriminate force in areas of significant civilian populations, resulting in numerous deaths (see Section 1.g.). There also were credible reports that military forces engaged in extrajudicial killings in Chechnya. For example, on February 5 Russian riot police and contract soldiers (men hired by the military for short-term service contracts) executed at least 60 civilians in Aldi and Chernorechiye, suburbs of Grozny. The perpetrators raped some of the victims and extorted money, later setting many houses on fire to destroy evidence. According to Human Rights Watch (HRW), authorities suspended their investigation of the incident, and there were no indications that those responsible for similar incidents in late 1999 were apprehended or punished (see Section 1.g.). According to the Presidential press service,

since the start of the second war in Chechnya, 35 cases relating to crimes committed by servicemen against the local population were initiated; seven have been found guilty. NGO's argue that this is only a fraction of the true number of cases and there is little or no progress in accountability. According to HRW, no one has been held accountable for the extrajudicial killings of 130 civilians in Alkjan-Yurt, Staropromyslovski, and Novye Aldi in late 1999 and 2000.

A number of government officials were murdered throughout the country. Some of these killings appear to have been politically motivated, connected with the ongoing strife in Chechnya, and others may be connected to local politics. For example, on December 5 Svetlana Semenova, SPS regional coordinator for the Leningrad Oblast was murdered; that same day the Mayor of Murom, Petr Kaurov was also murdered. It is not clear whether these incidents were politically motivated.

An estimated 11,000 detainees and prisoners died during the year (see Section 1.e.). Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

On August 11, a bomb exploded in a crowded Moscow pedestrian way at the Pushkinskaya metro station, killing 12 people and injuring nearly 90. Government officials implied at first that Chechnya-based Islamic extremist groups were responsible for the bombing and arrested four Muslim suspects from the Northern Caucasus. However, investigators have not ruled out the possibility that the incident was a result of feuding between rival criminal gangs.

According to media reports in February, a woman was being held in connection with the murder of a prominent member of Parliament, Galina Starovoitova. Starovoitova was shot outside of her apartment in 1998 in what appeared to be a political killing. In 1999 a former police officer became a suspect in the assassination, but charges were dropped due to lack of evidence.

There were no developments in the 1999 killings of the St. Petersburg Liberal Democratic Party (LDPR) leader Gennadiy Tuganov and Deputy Mayor Mikhail Menevich. In the case of St. Petersburg legislative assembly Deputy Viktor Novoselov, police arrested the killers but had no information on who hired them.

On November 9, a military court began hearings against five former military intelligence officers accused of organizing the murder of "Moskovskii Kosmolets" journalist Dmitri Kholodov. A sixth defendant, the head of a bodyguard agency, is charged with complicity. Kholodov was killed by a suitcase bomb in 1994; at the time of his murder, he was investigating widespread corruption among the military leadership.

There were no developments in the 1998 murder of St. Petersburg city official Yevgeniy Agarev, although the investigation into the case reportedly continues. There were no developments in the 1998 murders of Deputy Representative of the Russian Federation to the Chechen Republic Akmal Saidov, Dagestani mufti Said-Mukhamed Abubakarov, or Chechen official Shadid Bargishev.

Religious figures also were kidnapped and killed in Chechnya during the year (see Sections 1.b., 1.c., and 5).

There were credible press reports that Chechen separatists tortured and killed a number of civilians and Russian captives. For example, on September 10, separatists shot and killed Mayor of Oktyabrskoye village Bukara Akhmatov. Government officials accuse separatists of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999. Since then, authorities have tied incidents in Dagestan and several cities in Southern Russia to separatists. Authorities have produced evidence and tried and convicted at least six persons for bombings around Russia. In addition separatists have executed summarily Russian soldiers whom they have taken prisoner (see Section 1.g.).

There has been no resolution to the December 1998 beheading of four foreign telecommunications workers, whom kidnapers had been holding hostage in Chechnya for 2 months.

Government forces and Chechen Separatists have used landmines extensively in Chechnya and Dagestan since August 1999 (see Section 1.g.).

b. Disappearance.—There were reports of Government involvement in politically motivated disappearances in Chechnya. According to credible reports, units of the Government were involved in the detention and the temporary disappearance of journalist Andrey Babitskiy in January. The Government at first denied any knowledge of Babitskiy's whereabouts, but after considerable international pressure officials asserted that the journalist was in the custody of "local Chechens." Despite assurances that Babitskiy would be released on February 2, Russian officials declared the following day that he had been delivered to Chechen separatists in exchange for three Russian prisoners of war. However, separatists denied they had participated in such an exchange or that they held Babitskiy. Almost 2 months after his initial disappearance, Babitskiy was released but then was held by Russian authorities at

a detention center in Makhachkala, Dagestan. Authorities stated that he had been charged with carrying a falsified passport. Babitskiy subsequently claimed that the passport was thrust upon him, essentially to set him up to be arrested. Journalists and human rights activists believe Babitskiy was targeted by the Government for his critical reports on the conflict in Chechnya. Babitskiy was tried in Makhachkala in September and convicted of possession and use of a false passport. However, he was covered under the amnesty granted for the anniversary of World War II and was released (see Sections 1.g. and 2.a.).

The NGO Memorial claimed in October that the total number of detainees had exceeded 15,000 persons. Many of these persons disappeared, but the majority were bought back by relatives. Memorial estimated that the number of individuals unaccounted for was somewhere between several hundred to one thousand.

In a December report, Vladimir Kalamanov, the President's Special Representative for Human Rights in Chechnya, stated that his office had received complaints of 853 disappearances by year's end. His office forwarded a list of 462 missing residents of Chechnya to the Ministry of Interior. Forty-eight of the 462 were found to have been convicted and incarcerated into corrective labor institutions. According to this report, the Government began 34 criminal cases in connection with the disappearances of persons after their detention, including the Chairman of the Chechen Parliament, R.A. Alikhagiyeu. Several media reports in October claimed that Alikhagiyeu was being held in Lefortovo prison by the FSB; however, to at year's end there is no word on his whereabouts.

In 1999 Chechen president Maskhadov's adviser on relations with ethnic Russians, himself a Russian, was kidnaped in Grozny.

On March 5, 1999, unknown assailants abducted Major General Gennadiy Shipgun—the Interior Ministry's special envoy to Chechnya—from his airplane at Grozny airport. Although the motives behind Shipgun's kidnaping are unclear, Russian press reports indicate that his role in the 1994–96 Chechen war earned him much local animosity. Chechen law enforcement officials later claimed to have issued arrest warrants for six unnamed assailants. Russian authorities reported that what most likely were Shipgun's remains were found in May; forensics tests were being conducted in a laboratory in Rostov at year's end.

There has been no progress in the case against the alleged kidnapers of a foreign missionary and university instructor, who was kidnaped in the Dagestan capital of Makhachkala in November 1998. In 1999 Dagestani law enforcement officials told the Russian press that they had arrested four unnamed suspects in connection with the case. Russian and Ingush interior ministry troops later freed the victim on June 29, 1999. Other religious figures also were kidnaped (see Sections 1.a. and 5).

Kidnaping frequently is used by criminal groups in the Northern Caucasus, some of which may have links to elements of the separatist forces. The main motivation behind such cases apparently is ransom, although some cases have political or religious overtones. Many of the hostages are being held in Chechnya or Dagestan. For example, Alla Geyfman, the daughter of a Jewish businessman, was held for nearly 7 months by a Chechen gang demanding ransom. She was freed in February by security forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Article 21 of the Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there are credible reports that law enforcement personnel regularly use torture to coerce confessions from suspects and that the Government does not hold most of the torturers accountable for their actions. There were credible reports that Government and separatist forces in Chechnya tortured detainees. There are also claims of abuse of psychiatry by authorities. Institutions such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by other countries but remain largely unreformed and have not yet adopted practices fully consistent with law enforcement in a democratic society. Since torture has never been defined in a subsequent law or the Criminal Code and is only mentioned in the Constitution, it is difficult to charge perpetrators. Police only can be accused of exceeding granted authority, a far milder violation of the Criminal Code.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups describe the practice of torture as "widespread." Numerous press reports indicate that the police frequently strike persons based on little or no provocation or use excessive force to subdue those whom they arrest. Reports by refugees, NGO's, and the press suggest a pattern of beatings, arrests, and extortion by police against persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. However, press reports and

human rights groups indicate that police in some republics engage in beatings and torture as part of investigative procedures as well. Police also increasingly harassed defense lawyers, including beatings and arrests, and intimidated witnesses (see Section 1.e.). Police are reported to plant drugs and other false evidence as pretexts for arrests, arrest and detain persons based on their political views and religious beliefs, and conduct illegal searches of homes. Police also are reported often to extort money from suspects, their friends, and their relatives.

According to Human Rights Watch's (HRW) report on torture in Russia released in November 1999, torture by police officers usually occurs within the first few hours or days of arrest and usually takes one of four forms: beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g. suspending a victim from the wrists, which are tied together behind the back). Allegations of torture are difficult to substantiate because of lack of access by medical professionals and because the techniques used often leave few or no permanent physical traces.

Research conducted by HRW indicates that the country's justice system encourages police to resort to torture and hampers an adequate defense of the accused. Law enforcement entities are expected to meet an unreasonably high 80 percent target rate for solving crimes, despite the loss of experienced officers and underfunding since the breakup of the Soviet Union. The official rate for crimes solved in 1998 was 74.4 percent; experts consider a 30 to 40 percent rate to be consistent with democratic practices and international standards for due process.

In 1999 Sergey Pashin, a Moscow judge and rule of law activist, stated repeatedly that, in the cases that come before him, confessions often have been coerced from suspects through beatings. He also charged that "witnesses" often have been beaten to force them into testifying, when in fact they may have no knowledge of the case. As Pashin has told the press, he estimates that out of 1,200 official torture complaints received in the country annually, only 20 criminal investigations are opened, and only 3 or 4 go to trial. Human Rights Ombudsman Oleg Mironov estimated in October that 50 percent of prisoners with whom he spoke claimed to have been tortured. In April 1998, the Permanent Human Rights Chamber, an advisory presidential committee, concluded that torture was "common" among representatives of the Ministry of Interior, and that it was "widespread and systematic," especially in the pretrial stages of law enforcement. Yakov Pister, head of the administration of the Procurator General's office, testified to the Chamber that the Criminal Code has no definition of torture, and that no statistics were gathered on the use of torture. He blamed police reliance on torture as a means of gathering evidence on a lack of professional training.

HRW noted that, assuming that they are aware of their rights under the law, defendants often are not granted access to defense attorneys or to medical treatment. Pretrial detention conditions are so miserable that defendants sometimes confess simply to be moved to relatively easier prison conditions. Retractions of forced confessions usually are ignored. The accused can spend many months or even years in pretrial detention because the current criminal procedure code allows judges to send cases back for investigation an unlimited number of times (see Section 1.e.).

Under the "Operation Clean Hands" program, created in 1995, MVD officials continued to combat police crime. By the end of 1998, more than 34,000 citizen complaints were lodged against police officers. Over 2,100 cases were initiated against police personnel. Of that number, 922 were group crimes, and 127 included civilian perpetrators. For example, in Ulyanovsk court, proceedings were initiated against five militiamen on charges of "exceeding their authority," for regularly subjecting young male suspects to torture. A Ministry of Justice (MOJ) official estimated that during the first nine months of the year, the number of cases initiated against police personnel was similar to the number registered during the same period in 1999, with 108 convictions in the first six months of the year.

Various abuses against military servicemen, including but not limited to the practice of "dedovshchina" (the violent, sometimes fatal, hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports citing serving and former armed forces personnel, the Military Procurator's Office, and NGO's monitoring conditions in the armed forces indicate that this mistreatment often includes extortion of money or material goods in the face of the threat of increased hazing or actual beatings. Press reports also indicate that this type of mistreatment resulted in permanent injuries and deaths among servicemen. Soldiers often do not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerate or even encourage such hazing as a means of controlling their units. There are also reports that officers in some cases use beatings to discipline soldiers whom they find to be "inattentive to their duties."

In July 1999, the Main Military Procurator's Office (MMPO) reported that cases involving the abuse of military position or authority increased by 23 percent. Half of such cases involved physical violence. However, the MMPO also recorded a 14 percent drop in reported crimes during 1999 and a 10 percent decrease in reports of hazing. Statistics for the year were unavailable, although MMPO officials estimated that from January to June, over 4,800 investigations into allegations of human rights abuses were initiated.

Both the Union of Soldiers' Mothers Committee (USMC) and the MPPO also noted an increase in the number of reports about "nonstatutory relations" in which officers or sergeants physically assault or demean their subordinates. This tendency commonly is attributed to stressful conditions throughout the armed forces and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, in primary troop leadership positions. In 1998 every second draftee expressed concern that his life, health, or sanity would be threatened during the period of military service by such incidents.

In the navy, investigations reportedly uncovered about 20 incidents of nonstatutory treatment of sailors since the beginning of 1999 just on the aircraft carrier cruiser Admiral Kuznetsov. Similar activity, including the theft of hardware and weapons by sailors seeking to escape hazing, reportedly was uncovered on the heavy nuclear cruiser (and flagship) Petr Velikiy in 1999. According to press reports, in September, a warrant officer on a Pacific Fleet ship became drunk and began to beat enlisted men on board. As a result, 41 sailors, over half the ship's company, left the ship and went to the Pacific Fleet Headquarters to complain about repeated, savage beatings by drunken noncommissioned officers. Admiral Rasskazov told the press that sailors complain to him or to prosecutors every day. In the same article, a prosecutor revealed that, as of July 10, criminal cases had been filed in Vladivostok against naval officers and sailors who "tortured" their subordinates and shipmates.

Other reported abuses of armed forces personnel included the practice by officers and sergeants of "selling" soldiers to others as slave labor (to build dachas, etc.) or to other officers who have a military need for personnel but are not able to work through the system, most often linked to units in the Northern Caucasus military district. The USMC reported that such practices continue. In one recent complaint received in the USMC's Moscow office, a soldier was allegedly sold for approximately \$2 (50 rubles) to another unit. In another case, an officer bought a soldier for 10 bottles of vodka. The USMC continues to receive complaints about the Ministry of Internal Affairs and accused it of being among the worst of the branches in its human rights record.

The MMPO continues to cooperate with the USMC to investigate allegations of abuse and established telephone and postal "hot lines" to receive reports directly from soldiers. Nonetheless, the USMC believes that the majority of hazing incidents and assaults are not reported, due to fear of reprisals, indifference of commanders, and deliberate efforts to cover up such activity. The USMC estimates that only 10 to 12 percent of serious incidents are reported; it received nearly 4,000 complaints in its Moscow office alone during the year.

According to the armed forces' Medical Service, approximately 45 percent of military personnel committing or attempting suicide were driven to it by either physical abuse or the often inhuman conditions of military service. Nonpayment of wages could also be a factor, although nonpayment decreased significantly during the year. (However, contract soldiers serving in Chechnya complained of chronic nonpayment, and in some cases, such as in Rostov on the Don in September, they engaged in protests). The USMC reported in 1997 that in 60 percent of the cases brought to the authorities attention, there was an official finding that abuse had taken place, and that some disciplinary action was taken as a result. These figures remained unchanged by year's end. The deteriorating quality of the armed forces, cited as the main reason for the breakdown in discipline, is aggravated by negligence during the conscription process. A rise in the acceptance of draftees who are unfit for military service allegedly also is contributing to crime within the armed forces. Draft evasion is common, including the reported "purchase" of unwarranted medical deferments by potential conscripts otherwise ineligible for one of the many categories of legal deferment. The Military Procuracy continued its campaign against draft evasion and cracked down on conscription abuses. The USMC reported that after the spring draft, police often dragged unsuspecting recruits without documents, regardless of their mental or physical health, into draft board offices.

Degrading and substandard living conditions persist throughout the armed forces, principally due to insufficient funding. August television reports of naval housing in the Murmansk region showed decrepit, crowded apartments even for officers.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces has made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. Their limited efforts were due at least in part to lack of funding and the leadership's preoccupation with urgent reorganization problems and the fighting in Chechnya.

There was still no law providing for the constitutional right to alternative civilian service, and the proposal for an all-volunteer armed forces has been put off indefinitely by the Government's inability to raise military pay sufficiently. Although some regional authorities have attempted to introduce alternative service programs, national legislation necessary to implement the constitutional right to alternative service has not been passed by the Duma. Without such legislation there is no legal basis beyond the constitutional language itself for any alternative service program. As a result, the courts often rule against the individual based upon the legal requirements relating to military service.

The systematic abuse of psychiatry as a form of punishment prevalent during the Soviet era has ended. However, human rights groups charge that psychiatric hospitals continue to conceal their archives and their practices. Further, authorities reportedly still sometimes abuse the practice of psychiatry for other purposes. The Independent Psychiatric Association of Russia, along with several human rights organizations, has criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects" and in testifying against "nontraditional" religions in court cases. In deprogramming cases, authorities allegedly use pseudo-psychological and spiritual techniques to "treat" persons who had been members of new religious groups (see Section 2.c.). Human rights groups are concerned about court-appointed "expert commissions" charged with evaluating rituals, beliefs, and the mental health of believers. Groups assert that the commissions lack objectivity and often act under pressure from regional authorities negatively disposed toward the religious denominations.

Yuriy Savenko, Head of the Independent Psychiatric Association of Russia (originally formed during the Soviet era when psychiatric hospitals were used to punish dissidents), and other human rights activists such as the Moscow Helsinki Group head Lyudmila Aleksyeva, criticized the trial of Platon Obukhov, a Russian diplomat charged with espionage. Although independent psychiatrists deemed Obukhov mentally unfit to stand trial, a court-appointed commission found him competent. Human rights activists charge that the evaluation was based on political considerations and pressure from the FSB. Obukhov's case is currently under appeal.

Prison conditions are extremely harsh and frequently life threatening. Since 1998 the penitentiary system has been administered centrally from Moscow by the Ministry of Justice. The Ministry of Justice, the Ministry of Health, the Ministry of Defense, and the Ministry of Education all maintain penal facilities. There are five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention (SIZO's), correctional labor colonies (ITK's), prisons designated for those who violate ITK rules, and educational labor colonies (VTK's) for juveniles. Responsibility for operating the country's penal facilities falls under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN). The country's penal institutions remain extremely overcrowded. According to January statistics of the Public Center for Penitentiary Reform (PCPR), 1,060,000 persons were incarcerated in the prison system run by GUIN. By year's end, PCPR estimated there had been a decrease of prisoners that brought the total to 912,100, approximately 655 per 100,000 persons of the population at large. While this number only includes prisoners in the GUIN system, PCPR estimates that approximately 90 percent of all prisoners fall into this system. Conditions for detainees and prisoners in most government facilities remain extremely harsh. According to the 1995 Law On the Detention of Those Suspected or Accused of Committing Crimes, inmates must be provided with adequate space, food, and medical attention. Although most of the law's provisions went into effect at the end of 1996, the authorities were not able to ensure compliance, due in part to lack of funds, most judges' failure to use the option of bail, and a very large prison population.

Conditions in police station detention centers vary considerably, but as a rule are harsh. In most cases, detainees are not fed and have no bedding, places to sleep, running water, or toilets.

Suspects awaiting completion of criminal investigation, trial, sentencing, or appeal, are confined in a Special Isolation Facility (SIZO), which is a pretrial detention facility, mainly for a person who is awaiting trial. Persons can spend up to three years awaiting trial in a SIZO. Around 280,000 persons are held in the 195 SIZO's. Around 65,000 are held in police detention centers with another 5,000 to 6,000 in special facilities for the homeless. Convicts on occasion are imprisoned in SIZO's because there is no transport to take them elsewhere. Conditions in SIZO's remain ex-

tremely harsh and pose a serious threat to life and health. Health, nutrition, and sanitation standards in penal facilities remain low due to a lack of funding. Head lice, scabies, and various skin diseases are prevalent. Prisoners and detainees typically rely on families to provide them with extra food. The PCPR estimates that SIZO's are filled to 230 percent of capacity. In larger cities such as Moscow, the average space per prisoner amounts to 0.5 cubic meters. In the majority of police detention centers there is no shower and no outdoor exercise, and inmates are fed only twice a day. To alleviate overcrowding, the Government announced an amnesty (to reach 120,000). According to PCPR, on September 1 more than 99,000 inmates were released in an amnesty (358 of them were juveniles). The total number amnestied was expected to reach 120,000 by November. While the amnesty has affected the overall number of prisoners, by most accounts the greatest decrease is due to the increased use of alternative punishments such as selective parole for certain offences. In some regions such as Murmansk, more than 70 percent of all convicted offenders are given sentences not involving incarceration. In 1998 the occupancy rate for the overall penitentiary system was 112 percent. Special facilities exclusively for women are filled to 1.5 times of capacity, according to a study financed by Penal Reform International. As of September, there were 40,800 women held in correctional labor colonies, according to the MCPCJR. Under such conditions, prisoners sleep in shifts, and there is little, if any, room to move within the cell. In most pretrial detention centers and prisons, there is no ventilation system. Poor ventilation is thought to contribute to cardiac problems and lowered resistance to disease. Cells are overcrowded and stiflingly hot in the summer.

Correctional labor colonies (ITK's) hold the bulk of the nation's convicts. Of the 742 ITK's, 644 are designated for men (122 of these are "timber" correctional colonies). Although they are not as crowded as SIZO's, guards reportedly severely discipline prisoners to break down resistance. Prisoners sometimes are humiliated, beaten, and starved. According to the PCPR, conditions in the ITK's are better than in SIZO's prisons only to the extent that there is fresh air. In the timber correctional colonies, where hardened criminals serve their time, beatings, torture, and rape by guards reportedly are common. A total 678,500 male prisoners and 40,800 female prisoners are held in the ITK's. Of the 34 colonies for women, there are a few special facilities for children to be held with their mothers (465 children up to 4 years old). In the educational labor facilities, there are 19,000 males and 1,100 females. The country's "prisons"—distinct from the labor colonies or ITK's—are penitentiary institutions for those who repeatedly violate the rules in effect in ITK's.

Educational labor colonies for juveniles (VTK's) are facilities for from 14 to 20 years of age. The PCPR's September statistics indicate that there were approximately 20,000 persons in the 64 educational colonies, some 19,000 males and 1,000 females. Conditions in VTK's are significantly better than in ITK's, but juveniles in VTK's and juvenile SIZO cells reportedly also suffer from beatings, torture, and rape. The PCPR reports that such facilities have a poor psychological atmosphere and lack educational and vocational training opportunities. Many of the juveniles are from orphanages, have no outside support, and are unaware of their rights. There currently are two prisons for children in Moscow. Boys are held in small crowded, smoky cells with adults. Schooling in the prisons for children is sporadic at best, with students of different ages studying together when a teacher can be found.

According to statistics provided by the PCPR, the proposed federal budget as of the end of September allocated \$778 million (14 billion rubles) for the upkeep of the GUIN system. According to GUIN, \$1.3 billion (23 billion rubles) are needed to maintain the system adequately. However, the full allotment is not always spent. For example, in a Ryazan educational colony for females, less than \$1 (18 rubles) per day for each inmate is considered necessary. In the budget, the institution is allotted only 10 rubles per inmate, while in actuality, less than four rubles actually make it to the institution. There are no steps underway at present to increase the portion of the budget allotted to GUIN.

According to the PCPR, conditions in penal facilities vary among the regions. Some regions offer assistance in the form of food, clothing, and medicine. NGO's and religious groups offer other support.

Inmates in the prison system often suffer from inadequate medical care. Detention facilities have infection rates of tuberculosis far higher than in the population at large. Tuberculosis in the general population and especially in prisons is considered by health and human rights experts to be not only a national, but an international health threat. PCPR estimates that 96,000 prisoners suffer from infectious tuberculosis—approximately 42 to 43 percent of all tuberculosis patients in Russia. A total of 25,000 of these prisoners are infected with a drug-resistant form of the disease. Some 90,000 of the overall patients, mostly under 30 years of age, are in-

carcerated in SIZO's. Of these, 26,000 are in special prison hospital wards for tuberculosis, 42,000 in medical facilities, and 17,000 in isolation in prison facilities, with the rest being held among the healthy prison population. The Saratov oblast administration, concerned with the tuberculosis crisis in facilities located there, fully funded the tuberculosis-related medicinal needs of prisoners, according to the PCPR. GUIN is working with the Soros Foundation to develop programs in some regions to combat tuberculosis.

HIV/AIDS infection rates are also a source of concern. The PCPR estimated that there were 8,000 prisoners infected either with HIV or who had developed AIDS, but the lack of adequate health care precludes estimating the true number of such prisoners and suggests that this is an underestimate. Space shortages do not allow for separate facilities for prisoners with AIDS.

Statistics on the number of detainees and prisoners who were killed or died and on the number of law enforcement and prison personnel disciplined for the use of excessive force are not released publicly. PCPR estimates that around 11,000 prisoners died in penitentiary facilities during the year (2,500 of whom died in SIZO's). Most died as a result of overcrowding, poor sanitary conditions, or lack of medical care (the leading cause of death was heart disease), but some died due to beatings. The Procuracy General claimed that it receives approximately 1,000 complaints of torture per year, but no reliable figures are available. The press often reports on innocent individuals mistreated, injured, or killed in various SIZO's; some of the reported cases include habitual abuse by the same officers.

Violence among inmates, including beatings and rape, is common. There are elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others are considered to be "untouchable" and treated very harshly, with little or no protection provided by the prison authorities.

At a March 1999 joint hearing at the Human Rights Chamber of the President's Political Consultative Council, the Ministry of Justice, the Ministry of Internal Affairs, the Supreme Court, and the Procuracy General developed a plan to address the "critical" state of the national penal system. The proposals forwarded to the Government and the State Duma included provisions such as another amnesty and changes in the Criminal Code that could yield a prison population decrease of 400,000 over 1 year.

According to the PCPR, Aleksandr Zubkov, Deputy Director of GUIN in the Ministry of Justice, stated that the only way to reduce the prison population is to change the Criminal Code provisions regarding pretrial, parole and probation, and postconviction release measures. Zubkov stated that the Criminal Code is too severe and allows unjustifiably wide use of custody as a measure of restraint (as opposed to bail or release on the prisoner's own recognizance, for example). The PCPR called for greater use of alternatives to custody, such as bail and house arrest. Moreover, the PCPR reported that detainees spend too long in pretrial detention, in many cases as long as 3 years or more. The Ministry of Justice concurs with the PCPR that limits must be placed on time in detention awaiting trial.

Moscow-based human rights groups make infrequent visits to prisons in the Moscow area, and they have neither the resources nor a national network to investigate conditions in all 89 regions. The pretrial detention centers and filtration camps for suspected Chechen fighters, are not usually accessible to human rights monitors (see Section 1.g.). In May, the ICRC began to visit persons detained by Russian authorities. The ICRC works throughout Russia and is especially active in the North Caucasus. They are currently carrying out regular prison visits, but by agreement with the Government, their findings are kept confidential. The ICRC provides advice to authorities on how to improve conditions.

In January and February the remand prison at Chernokozovo was the principal detention center for those detained in Chechnya. Prolonged beatings to the genitals and to the soles of the feet, rape, electric shocks, tear gas and other methods of torture were used at the center. Guards subjected detainees to humiliation and degrading treatment. At least one person was beaten to death. Often prison guards and other law enforcement officers use torture to coerce confessions or testimony. Conditions improved at Chernokozovo in mid-February; however, an increasing number of detainees subsequently were held elsewhere and continued to suffer abuses, including torture, according to Human Rights Watch. The Government has allowed ICRC access to some facilities in the North Caucasus where Chechen detainees are held.

In one of many reported incidents, a Chechen man described how he saw federal guards puncture detainees' eardrums and file their teeth and damage their lips with a file forced into their mouths—an apparently new form of torture. In another reported incident, a Chechen man was pulled from his cell, homosexually raped, and

taunted with anti-Chechen epithets. In the case of the Chernokozovo prison, the torture of prisoners by federal guards came to light in part through reports of Andrey Babistkiy, a reporter for Radio Liberty who was himself detained and beaten there. According to credible reports, units of the Government were involved in the detention and disappearance of Babitskiy in January for his reporting in Chechnya (see Section 1.b. and 2.a.).

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain serious problems. The Constitution provides that the arrest, taking into custody, and detention of persons suspected of crimes are permitted only by judicial decision. Under the 1997 code the maximum sentence for all offenses increased from 15 years to 30 years. Criminal proceedings continue to be governed both by the 1997 Criminal Code and the Soviet Criminal Procedure Code, adopted in 1960.

Efforts to achieve Duma approval of a new Criminal Procedure Code have been unsuccessful.

There are credible reports from throughout the country that police detain persons without observing mandated procedures and fail to issue proper arrest warrants or receipts for confiscated property. This is especially true for persons from the Caucasus. There are credible reports that security forces continue regularly to single out persons from the Caucasus for document checks, detention, and extortion of bribes. In 1999 Moscow city law enforcement authorities frequently detained persons unlawfully for alleged violations of registration requirements, especially in response to the terrorist bombings in September 1999, when authorities detained some 2,000 persons and deported more than 500, according to NGO's. Russian forces commonly rounded up and detained groups of Chechen men at checkpoints along the borders and during "mop-up" operations following military hostilities, and engaged in severe beating and torture.

In the absence of measures to implement the procedural safeguards contained in the Constitution, suspects often were subjected to uneven and arbitrary treatment by officials acting under the current Criminal Procedure Code and presidential decrees. The code gives procurators authority to issue an order of detention without a judge's authorization and, if police believe that the suspect has committed a crime or is a danger to others, to detain him for up to 48 hours without a warrant.

The Constitution and the Criminal Procedure Code provide that detainees are entitled to have a lawyer present from the time of detention, during questioning following detention, and throughout investigation up to and including the formal filing of charges. This procedure generally is followed in practice. The PCPR reports that detainees are given the opportunity to have access to a lawyer in accordance with their rights. However, the Center notes that the high cost of legal fees and the poor quality of court-appointed public defenders for those lacking the funds to engage counsel effectively deny the majority of suspects competent legal representation. As a result, many prisoners do not exercise this right because they believe it useless. Families have access to individuals in pre-trial detention; however, in initial detention by the police in precincts, they may at times not be granted access.

Articles 47 to 49 of the Criminal Procedure Code provide that in certain cases the court, an investigator, or a procurator is to provide the suspect with an advocate free of charge if the suspect cannot afford one. A president of a collegium of advocates must appoint a lawyer within 24 hours after receiving such a request. However, lawyers (advocates) try to avoid these cases since the Government does not in fact reimburse them for this work as it is supposed to do. As a result, in many cases indigent defendants receive little or no assistance during the investigation stage of the case, and such in-court assistance as they do receive may be rendered by poorly trained lawyers. At times the right to a lawyer during pretrial questioning cannot be exercised even when the suspect can afford to pay for a lawyer. Human rights NGO's report that in many cases investigators deny access to a lawyer by various means, including restrictions on the time when the suspect can see his lawyer (which may mean that the lawyer has to wait for days to get a meeting with the client).

A 1997 presidential decree allows police to detain persons suspected of ties to organized crime for up to 10 days without bringing charges. The law overturned two previous presidential decrees (of 1994 and 1996) that allowed detention for up to 30 days. The 1997 decree also instructed the Government to submit to the Duma a draft federal law on preventing vagrancy and providing social rehabilitation of the homeless. However, according to Duma and NGO sources there is not yet any such draft law under consideration.

The Criminal Procedure Code specifies that only 2 months should elapse between the date an investigation is initiated and the date the file is transferred to the procurator so that the procurator can file formal charges against the suspect in court. However, investigations seldom are completed that quickly. Some suspects spend 18

months or longer in detention under harsh conditions in a SIZO while the criminal investigation is conducted. The PCPR reports terms of pretrial detention extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases the PCPR reports detention periods of up to 5 years due to financial constraints and poor investigative and court work.

The Code provides that a prosecutor may extend the period of criminal investigation to 6 months in "complex" cases. If more time is required in "exceptional" cases, the Procurator General personally can extend the period up to 18 months. Extensions of the investigation period often are issued without explanation to the detainee. Until the investigation is completed, the suspect is under the jurisdiction of the Procurator's office, the Ministry of Justice, and the Ministry of Internal Affairs. There is no procedure for a suspect to plead guilty during the investigative period, although if a suspect informs the investigator that he is guilty, the period of the investigation usually is shorter than if he maintains his innocence. Suspects frequently fear exercising their right to request judicial review of their detention due to fear of angering the investigating officer.

There also were credible reports that persons were detained far in excess of the permissible periods for administrative offenses, in some cases so that police officials could extort money from friends or relatives of detainees. The situation has improved somewhat since the issuance of the 1997 presidential decree that annulled a previous decree that had allowed for 30-day detentions. However, the practice of detaining individuals in excess of permissible periods is common, and this often is done for the purpose of extorting money.

The use of bail is rare, even if suspects are not flight risks or have not been charged with violent crimes. This aggravates overcrowding in pretrial detention and, due to delays in bringing cases to trial, results in many suspects remaining in pretrial detention for longer than the maximum penalty they might face if convicted. In the juveniles' prisons, boys and girls (in separate facilities) are incarcerated in the facility for up to several years while they await trial and sentencing.

Delays also plague the trial stage. Although the Criminal Procedure Code requires court proceedings to begin no more than 14 days after the judge issues an order designating the location of the trial, congestion in the court system frequently leads to long postponements. Judges often do not dismiss cases involving improper investigations or indictments, particularly if the procurator's case has political support or if the case is controversial. Such cases often are returned to the procurator for further investigation.

Some regional and local authorities have taken advantage of the system's procedural weaknesses to arrest persons on false pretenses for expressing views critical of the Government. Human rights advocates in the regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Others have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Section 4).

On June 2, Taisa Isayeva, a Chechen journalist, was arrested at the border checkpoint "Nizhny Zaramag", between North Ossetia and Georgian controlled Ossetia. Isayeva, who works for the Chechen Press agency based in Georgia, was detained at the border because she was carrying a video camera and a portable computer.

On October 3, Primorye Regional FSB authorities opened a criminal case against Vladimir Schurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute (POI). He was charged with divulging state secrets, unlawful transfer of dual use technologies, and also for organizing a criminal group. Schurov has denied all charges.

Russian authorities took measures in two "espionage" cases involving foreigners who worked with Russians and obtained information the authorities considered sensitive. In both cases, proceedings took place behind closed doors and the defendants and their attorneys encountered difficulties in learning the details of the charges. In both cases, the circumstances suggested that the security services were seeking to discourage foreigners on issues they considered to be sensitive.

In November 1999 disarmament researcher Igor Sutyagin of the USA Canada Institute was detained on suspicion of espionage. No information about the specific charges was made public. At first the case appeared to focus on his work on a study of civil-military relations funded by the Canadian Defense Ministry. Sutyagin's family stated that the study did not deal in secret matters and was partially funded by the Russian Defense and Foreign ministries. Evidence in the case is secret and lawyers stated that Sutyagin received copies of the details on December 15. The trial was recessed until January 9, 2001.

Throughout the year there have also been numerous other cases of individuals charged with treason and detained. In August 1999 Vladivostok environmental sci-

entist Vladimir Soyfer filed a complaint in Vladivostok municipal court alleging that in early July 1999 the FSB confiscated a large number of documents from his apartment, the removal of which was not covered by its warrant and not documented in the FSB's official record of the search. While under investigation the FSB dropped the case stating that Soyfer fell under the November amnesty. Soyfer appealed this decision to clear his name, arguing that he was innocent, and that there was no basis or need to amnesty him. The court agreed, passing the case back to the FSB for either investigation and prosecution, or dropping charges.

In October 1999 Vladimir Sliviyak, director of the antinuclear organization Eco-Defense, announced at a press conference that Moscow police detained and questioned him for a few hours in September about his possible involvement in the August bombing of the Manezh shopping center in Moscow. One of Sliviyak's coworkers reportedly had been framed on charges of drug possession. Natalya Minonova of Chelyabinsk also was detained and questioned by police officers in September as she and four other activists were on their way to city hall to deliver a letter protesting the potential import of spent nuclear fuel into the country. Authorities charged all five with hooliganism. Reportedly authorities told another activist in Voronezh to report to the police station for an "informal conversation" on the topic of an anti-nuclear camp near the NovoVoronezh nuclear power plant and threatened him with drug possession charges if he failed to appear.

St. Petersburg judge Sergey Golets ruled at the end of 1999 that Aleksandr Nikitin, an environmentalist and retired Soviet Navy captain, was not guilty on charges of espionage and treason. Although prosecutors later appealed the decision, the Presidium of the Supreme Court on September 13 upheld the acquittal. Legal observers believe that the legal foundations of the Golets ruling were sound and that it, along with the Supreme Court decision, may provide an important precedent in combating abuses by the FSB.

Nikitin's case was characterized by serious violations of due process. There were credible charges that his detention was politically motivated. The FSB detained Nikitin in St. Petersburg in February 1996 on suspicion of espionage and revealing state secrets, crimes punishable by up to 20 years in prison. Nikitin had been working with the Bellona foundation, a Norwegian environmental NGO, on the publication of a report detailing the hazards posed by nuclear waste generated by the Northern Fleet, in which Nikitin served. Indictments cited classified decrees that were made available to Nikitin's defense team only at the beginning of the trial, which finally commenced in October 1998, nearly 3 years after Nikitin's detention. In his December 1999 ruling, Judge Golets argued that the secret decrees used to charge Nikitin violated every citizen's right to access to the law and therefore were not binding under the Constitution. Moreover, according to the ruling, investigators failed to adhere to the Criminal Code during the investigation and violated Nikitin's constitutional rights. The case against Nikitin was finally closed by the September ruling of the Supreme Court presidium that the prosecutor's appeal of Nikitin's acquittal was without merit. However, the Federal Tax Police continued to harass him, claiming that the money provided by Bellona for his legal defense was taxable income.

Media-Most chairman Vladimir Gusinskiy was detained in Moscow's Butyrka Prison for three days in June, in connection with the General Procuracy's criminal fraud case against him. Gusinskiy left Russia in July, shortly after the Procuracy dropped its criminal case against him. Later it became known that Gusinskiy signed an agreement with Gazprom-Media chief Alfred Kokh just before leaving the country in which he pledged to sell a controlling share of his media enterprises to Gazprom. Gusinskiy insisted publicly that he had signed under duress, citing a protocol to the agreement that was co-signed by Press Minister Mikhail Lesin. Many observers interpreted the protocol as a quid pro quo in which the Government agreed to drop its criminal investigations of Gusinskiy and Media-Most in exchange for receipt by Gazprom of a controlling share in NTV and

Media-Most. Later in the year, the General Procuracy cited Gusinskiy's refusal to appear for further questioning on a broader criminal fraud case against Media-Most as grounds for seeking his extradition. At year's end, Gusinskiy remained in Spain under house arrest as Spanish officials considered the Government's extradition request.

No new arrests of human rights monitors were documented during the year.

In July 1999 after 20 months in pretrial detention, military journalist and active-duty officer in the Pacific Fleet Grigoriy Pasko was sentenced to 3 years' imprisonment for dereliction of duty but immediately was released under the prisoner amnesty. However, prosecutors subsequently appealed the sentence and the military collegium of the Supreme Court dismissed the earlier conviction and sent the case back to Vladivostok to be retried for the more serious charges of espionage and trea-

son. The trial is expected to begin in March 2001. Pasko originally was charged with treason and espionage after reporting on radioactive contamination by Russian Pacific Fleet sailors dumping radioactive waste in the Sea of Japan. The trial was marked by a number of irregularities, including the judge's decision to remove one of Pasko's defense attorneys for contempt of court and also a key witness recanting earlier testimony claiming it had been made under duress from investigators. The Committee to Protect Journalists and the Glasnost Defense Fund observed that the case is still a powerful disincentive to investigative reporting (see Section 2.a.).

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and there are signs of limited judicial independence; however, the judiciary does not yet act as an effective counterweight to other branches of government. Efforts to develop an independent judiciary continue. Judges remain subject to some influence from the executive, military, and security forces, especially in high profile or political cases. The judiciary still lacks sufficient resources and is subject to corruption.

The judiciary is divided into three branches: The courts of general jurisdiction, subordinated to the Supreme Court; the arbitration court system under the High Court of Arbitration; and the Constitutional Court. Civil and criminal cases are tried in courts of primary jurisdiction, courts of appeals, and higher courts. The general court system's lowest level is the municipal court, which serves each city or rural district and hears over 90 percent of all civil and criminal cases. The next level of courts of general jurisdiction are the regional courts. At the highest level is the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration court system consists of city or regional courts as well as appellate circuit courts subordinated to the High Court of Arbitration. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state. Qualifying Collegium nominate judges for approval (by the President), remove them, and approve requests by prosecutors to investigate judges. Approximately 1,000 justices of the peace were appointed in 33 regions throughout the country during the year. These judges handle family law and criminal cases where the maximum sentence is 2 years.

Low salaries and lack of prestige make it difficult to attract talented new judges and contribute to the vulnerability of existing judges to bribery and corruption. Judges have received some incremental salary increases aimed at improving the quality of judges recruited and raising the retention rate. Although judges' pay has improved, working conditions remain poor, and support personnel continue to be underpaid.

The 2000 government budget increased funding for the judicial system; however, it is not enough to cover all of the system's needs. Not all of the money allocated was dispersed and regional administration support is still needed.

Judges are subject to intimidation and bribery from officials and others. As judges generally bear responsibility both for reaching a verdict and handing down a sentence, they are logical targets for intimidation. In July 1999, the chair of the Primorskiy Kray arbitration court, Tatyana Loktionova, announced that Primorskiy Kray Governor Yevgeniy Nazdratenko had been interfering in the court's activities and that she and her colleagues feared for their personal safety. The governor blamed the court for bankrupting the region's enterprises and destroying its economy and persuaded then-Prime Minister Putin to authorize an internal investigation of the arbitration court for possible illegal conduct. Loktionova was removed from the court but appealed to the Supreme Court for reinstatement. On August 23, the Supreme Court's Board of Appeal upheld the lower court's ruling removing Loktionova from the bench. Loktionova appealed to the Constitutional Court of the Russian Federation. In October the Moscow City Collegium of Judges removed Moscow City Judge Sergey Pashin from the bench for ostensible infractions of professional etiquette. However, most observers believe that Pashin was removed for political purposes, as punishment for his outspoken views criticizing judicial colleagues on cases ranging from the conscientious objector Neverovskiy in Kaluga to the legal procedures surrounding Media-Most. Pashin appealed the Collegium's decision to a higher body and he was later reinstated.

The Criminal Code provides for the court to appoint a lawyer if the suspect cannot afford one. The Society for the Guardianship of Penitentiary Institutions often is called upon by judges to provide legal assistance for suspects facing charges and trial without any representation. This society operates primarily in Moscow, although it uses its connections throughout the country to appeal to legal professionals to represent the indigent. However, in many cases the indigent receive little

legal assistance, because funds are lacking to pay for trial attorneys for them and public defenders are poorly trained.

Because the right to a lawyer during pretrial questioning often is not exercised (see Section 1.d.), many defendants recant testimony given in pretrial questioning, stating that they were denied access to a lawyer or that they were coerced into making false confessions or statements. Nevertheless, human rights monitors have documented cases in which convictions were obtained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt.

In the 80 regions where adversarial jury trials have not yet been introduced, criminal procedures are weighted heavily in favor of the prosecutor. The judge or panel of judges conducts the trial by asking questions based on a prior review of the evidence. Reports indicate that in practice the constitutionally mandated presumption of innocence often is disregarded. Judges are known to return poorly developed cases to the prosecution for additional investigation rather than risk confrontation with powerful prosecutors. Moreover in certain cases the Criminal Procedure Code allows them to do so with no limitation on the number of times the case can be investigated. The Constitutional Court partly addressed this issue in an April 20, 1999, decision that held that part of the article of the Code providing for this practice was unconstitutional. The practice of repeatedly returning cases for further investigation greatly increases the time that defendants spend in SIZO's (see Section 1.c.).

Defense attorneys, defendants, and the general public reportedly favor jury trials and the more adversarial approach to criminal justice. Prosecutors and law enforcement officials continue to prefer trial by judges and the inquisitorial system.

The Independent Council of Legal Expertise reported that defense lawyers increasingly were the target of police harassment, including beatings and arrests. Professional associations at both the local and federal levels reported abuses throughout the country. They charge that police are trying both to intimidate defense attorneys and to cover up their own criminal activities. For example, on March 28 Moscow defense lawyer K. Moskalenko was assaulted by members of Moscow's Organized Crime Unit of the MVD while attempting to assist a client illegally detained by the Unit at a residence. Moskalenko complained to the Procurator, but her complaint was rejected at the end of April. The Glasnost Public Foundation criticized the September 30 arrest of public defender Mikhail Konstantinidiy in Novorossiysk. Konstantinidiy was arrested for purported "illegal entrepreneurial activity," which human rights activists believe was concocted in retaliation for the lawyer's successes against an oil company and a local politician.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Authorities continued to infringe on citizens' privacy rights. The Constitution states that officials can enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. It permits the government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. It prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. Legislation to implement these provisions was passed as part of the country's new criminal code, which provides for criminal penalties. However, problems remain, and no one has ever been convicted of violating those safeguards. There were reports of electronic surveillance by government officials and others. Moscow law enforcement officials reportedly entered residences and other premises without warrants. For example, on October 19, three investigators from the Organized Crime Unit and Economic Crime Unit of the MVD entered the premises of the Moscow Choral Synagogue without a warrant and searched the offices of Moscow Chief Rabbi Pinchas Goldschmidt (see Section 2.b.).

Internet experts and right-to-privacy advocates say that interagency technical regulations called SORM-2 (SORM is the Russian acronym for System for Operational Investigative Measures), which were issued by the Ministry of Communications, the FSB, the Federal Agency of Government Communications and Information, and other agencies present a serious threat to privacy rights, and violate the Civil Code, the Constitution, and international norms. SORM-2 is an amendment to SORM telecommunications regulations. The original SORM, issued in 1995, granted security services the power to monitor all telecommunications transmissions for investigative purposes. It required a warrant to carry out such monitoring, in accordance with the Constitution and other provisions of the law. SORM-2 extends to the FSB the same kind of monitoring power over Internet communication that it had for telecommunication, but without ensuring judicial oversight.

Internet service providers were required to install, at their own expense, a device that routes all Internet traffic to an FSB terminal. Those providers that did not

comply with the requirements faced either loss of their licenses or denial of their license renewal. While SORM-2 framers claim that the regulation does not violate the Constitution or the Civil Code because it still requires a court order, right to privacy advocates say that there is no mechanism to ensure that a warrant is obtained before the FSB accesses private information. There appears to be no mechanism to prevent unauthorized FSB access to Internet traffic without a warrant.

On July 25 Minister of Communications Leonid Reyman issued an order implementing the last stage of SORM. According to the order, registered by the Ministry of Justice on August 9, the FSB is no longer required to provide to the telecommunications and Internet companies any court documentation or any information about targets of interest. Human rights activists suggest that this order only formalizes the practices established since SORM was introduced. However, Pavel Netupskiy, a St. Petersburg journalist, challenged Reyman's order in court, claiming that it was unconstitutional. The Supreme Court examined the case and ruled September 25 partially in Netupskiy's favor, leaving the requirement that the FSB conduct monitoring only by court order and that it provide information to the company about the target of surveillance. However, despite the court ruling, adequate oversight and enforcement of this constitutional provision and the court order are lacking. On September 12 Putin signed the "Doctrine of Information Security of the Russian Federation" which offers general language on protecting citizens' constitutional rights and civil liberties but also includes specific provisions that would justify greater state intervention. The Doctrine gives much leeway to law enforcement authorities in carrying out SORM surveillance of telephone, cellular, and wireless communications.

Allegations continue to circulate that officers in the special services, including authorities at the highest levels of the MVD and the FSB, have used their services' power to gather compromising materials on political and public figures as political insurance and to remove rivals. Similarly, persons in these agencies, both active and retired, were accused of working with commercial or criminal organizations for the same purpose.

There are credible reports that regional branches of the FSB continue to exert pressure on Russian citizens employed by Western firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and foodstuffs from houses in regions that they controlled (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The indiscriminate use of force by government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. The Federal Government has been fighting a war against separatists in Chechnya since August 1999 following attacks by Chechen separatists in neighboring Dagestan. In the fall of 1999, government forces launched air and artillery attacks against numerous Chechen villages along the republic's eastern border with Dagestan in the territory controlled by Chechen field commander Shamil Basayev. Attempts by government forces to regain control over Chechnya were accompanied by indiscriminate use of air power and artillery, particularly in the fall 1999 campaign to retake the capital, Grozny. There were numerous reports of attacks on civilian targets, including the bombing of schools and residential areas. In early 2000 a large-scale offensive military campaign by government forces continued against the separatists. That offensive campaign largely ended following federal occupation of most of Chechnya by late spring, although federal forces remained engaged in an intensive anti-insurgency campaign against separatist guerillas. The security situation prevented most foreign observers from travelling to the region, and the Federal Government enforced strict controls on press access. NGO's reported that federal authorities in some cases confiscated recording devices and communications equipment at the border. These restrictions made independent observation of conditions and verification of reports very difficult. Nevertheless, there were numerous credible reports of human rights abuses and atrocities committed by federal forces.

Federal authorities continued to claim that government forces utilized "high precision" weapons and tactics against the rebels; however, a wide range of reports indicated that government military operations resulted in many civilian casualties and the massive destruction of property and infrastructure. The number of civilian fatalities caused by federal military operations cannot be verified, and estimates of the total number of civilian dead vary from the hundreds to the thousands. For example, on December 20, seven students were killed when Russian forces fired mortar rounds on Grozny State Pedagogical Institute. The procurator was investigating the incident at year's end. The number of civilians wounded by federal forces also could not be verified, although reports from hospitals that still were operating in the region indicated that the majority of patients were mine or ordnance victims,

and that such weaponry was the primary cause of death. Throughout the conflict, accusations were made by both sides about the use of chemical weapons. However, no credible evidence has been offered to support these claims.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, many atrocities reportedly were committed by individual federal servicemen or units. Command and control among military and special police units often appeared to be weak, and a culture of lawlessness, corruption and impunity flourished. This culture fostered individual acts (by government forces) of violence and looting against civilians. For example, according to HRW and press reports, on February 5, Russian riot police and contract soldiers (men hired by the military for short-term service contracts) executed at least 60 civilians in Aldi and Chernorechiye, suburbs of Grozny. The perpetrators reportedly raped some of the victims and extorted money, later setting many of the houses on fire to destroy evidence.

According to HRW and other NGO reports, Russian soldiers executed at least 38 civilians in the Staropromyslovski district between December 1999-January 2000. Most of the victims were women and elderly men, and all apparently were shot deliberately by Russian soldiers at close range. Similar events also occurred in Katr Yurt, where hundreds of already displaced persons were forced to flee, persons were killed, and houses were burned. Russian forces allegedly did this because Chechen fighters had passed through the village after the retreat from Grozny on February 5. In November 1999, government troops opened fire on doctors and other medical staff at a psychiatric hospital, injuring three persons. According to human rights NGO's, government troops raped civilian women in Chechnya in December 1999 in the village of Alkhan-Yurt and in other villages.

According to human rights NGO's, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many internally displaced persons (IDP's) reported that they were forced to provide payments to, or were otherwise subjected to harassment and pressure by, guards at checkpoints. There were also widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the separatists, and a policy of "no quarter given" appeared to prevail in many units. A private wounded in the conflict told representatives of the Union of Soldiers Mother's Committee (USMC) organization that the commander of his unit gave the order that no prisoners should be taken and no one should be left alive in Grozny. Federal forces reportedly beat, raped, tortured, and killed numerous detainees. The human rights NGO Memorial compiled a list of 300 missing captured rebels, some of whom had not been seen in 6 months. Federal forces reportedly ransomed Chechen detainees to their families. Prices were said to range from several hundred to thousands of dollars.

Armed forces and police units reportedly routinely abused and tortured persons held at so-called filtration camps, where federal authorities claimed that fighters or those suspected of aiding the rebels were sorted out from civilians.

There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The NGO Physicians for Human Rights reported that that physicians in Grozny Ambulatory Clinic #5 and Grozny City Hospital #4 stated that their hospitals were destroyed. The indiscriminate use of force by federal troops resulted in massive destruction of housing and commercial and administrative buildings, as well as the breakdown of gas- and water-supply facilities and other types of infrastructure. Representatives of international organizations and NGO's who visited Chechnya also reported little evidence of federal assistance for rebuilding war-torn areas.

International organizations estimate that the number of IDP's and refugees who left Chechnya as a result of the conflict reached a total of about 280,000 at its peak in late spring. Of this total, most went to Ingushetiya (245,000). Some 6,000 Chechen IDP's were reported in Dagestan, 3,000 in North Ossetia, and 6,000 in Georgia. About 20,000 Chechen IDP's reportedly went to other regions of the Russian Federation. Federal refugee policy aimed at repatriating IDP's as soon as possible back to Chechnya. However, as of early fall, federal authorities promised that no one would be repatriated forcibly. Reliable information on the number and status of displaced persons within Chechnya was especially difficult to obtain, due to heavy fighting and limited outside access to the region. The United Nations High Commissioner for Refugees (UNHCR) estimated that at times as many as 150,000 persons were displaced within Chechnya and lacked access to humanitarian assistance. There were approximately 6,000 Dagestani IDP's in Dagestan. NGO's also estimated that at least a quarter of a million residents, including almost the entire Russian, Armenian, and Jewish populations, migrated from Chechnya as a result of the current conflict and the first war of 1994-96.

At various points during the conflict, authorities restricted the movement of IDP's fleeing Chechnya. According to some reports by NGO's, early in the conflict border guards at times permitted only ethnic Russians to cross into Ingushetiya. According to the Russian press, some displaced persons were transported by bus back to parts of Chechnya that were under government control. In 1999 refugees at the border sometimes had to live in the open, without access to food or water. Russian border guards and police officers on the border between Chechnya and neighboring regions reportedly required Chechen refugees to pay money to pass. According to UNHCR, the authorities early in the year prevented medical supplies destined for hospitals from entering Chechnya. There also were many credible reports that Russian guards at checkpoints within Chechnya demanding money to allow persons to pass. Some refugees also had trouble moving about because their documents had been lost, stolen, or confiscated by Russian authorities. Currently 8,000 persons live in railway carriages in the region. During the year, 4,000 others who had been living in railway cars were transferred to a winterized tent camp. According to the Council of Europe (COE), about 2,000 persons live in harsh conditions in rail wagons in Sernovodsk without sufficient heating and appropriate sanitation facilities, which puts them at risk of contagious diseases.

While Russian media coverage of events in Chechnya was extensive, most journalists and editors appeared to be exercising self-censorship and avoiding subjects embarrassing to the Government (see Section 2.a.). Since the resumption of the war in October 1999, federal authorities—both military and civilian—limited journalists' access to war zones and confiscated reports and equipment, citing threats to the safety of reporters. After November 1999, additional accreditation—besides the usual Foreign Ministry accreditation—was required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to receive local press accreditation. In one instance in September, Associated Press reporter Ruslan Musayev was detained, beaten, and held in a covered pit for 24 hours until he paid Russian soldiers to release him.

In April U.N. Commissioner for Human Rights (UNCHR) Mary Robinson visited Chechnya to investigate allegations of human rights abuses. However on the visit, according to Robinson's report to the UNCHR, Russian authorities denied her access to a number of locations, including five detention centers where Amnesty International alleged that Russian guards committed abuses against Chechen detainees. She also was denied access to villages near Grozny where Russian troops were accused of killing and raping civilians. Robinson did meet with IDP's in Ingushetiya, who provided firsthand testimony of alleged violations of human rights by Russian military, militia, and Ministry of Interior forces in Chechnya. Authorities asserted that Robinson distorted the true nature of the state of affairs and that Russia never hid the truth about the situation in Chechnya.

In response to international criticism of the human rights situation in Chechnya, several official Russian organizations were established to examine alleged human rights violations in the republic. In February President Putin appointed Vladimir Kalamanov as special Presidential Representative for Human Rights in Chechnya. Kalamanov's office, with a staff of 25 persons, including 3 experts on loan from the COE, opened branches in Moscow and a number of locations in the North Caucasus to take complaints about alleged human rights violations. In April Pavel Krasheninnikov, Chairman of the State Duma Committee on Legislation, was elected head of a newly created Independent Commission on Human Rights in the North Caucasus. In September the Commission opened nine offices in Chechnya and three in Ingushetiya. Together Kalamanov's office and Krasheninnikov's Commission heard thousands of complaints from citizens, ranging from destruction or theft of property to rape and murder. However, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil prosecutors. By the end of the year, the prosecutors had opened more than 100 cases of alleged crimes. Almost all of these concerned alleged violations of military discipline and other common crimes. The Presidential Administration press service reported that 38 cases relating to crimes committed by servicemen against the local population were opened, and that seven servicemen were convicted by year's end. The charges against the seven service men were not known. The Federal Government did not comply with the U.N. Commission on Human Rights resolution's calling for a broad-based, independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law.

Chechen separatists also committed abuses, but—as with the many reported Russian violations—there were difficulties in verifying or investigating them. According to unconfirmed reports, separatists killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented ref-

ugees from fleeing Chechnya. For example, the rebel fighter Akhmed Ibragimov reportedly murdered 34 fellow villagers, including 3 children, after 1 of the villagers refused to dig trenches. One witness described seeing four bodies of persons who were crucified on spikes by separatists for cooperating with federal authorities in Grozny.

Separatists allegedly killed and attempted to kill numerous Chechen officials loyal to the Federal Government. For example, on May 31, Grozny Mayor Supyan Makhchayev was wounded and his aide and a Russian official were killed by a car bomb. According to press reports, Chechen rebels opened fire on an EMERCOM (Ministry of Civil Defense, Emergencies, and the Elimination of Consequences of Natural Disasters) Car on June 9 in Grozny, killing three Russian epidemiologists and wounding three others. In July Ruslan Khamidov, head of the administration of the settlement of Alkhan-Yurt, was killed in his home. On August 4, head of the Nozhay-Yurtovskiy Rayon Administration Isita Gayribekova was wounded and her brother and sister killed in a bomb explosion at the home of their mother. Chechen separatists started a series of suicide attacks in June. Two Chechen women detonated a truck packed with explosives at a Russian army base west of Grozny.

Human rights NGO's reported that Chechen separatist units abused civilians and endangered their lives by provoking Russian counterattacks on civilian areas. The rebels took up positions in populated areas and fired on Russian forces, thereby exposing the civilians to Russian counterattacks. When villagers protested, they sometimes were beaten or fired upon by the rebels.

Separatist military units also reportedly abused, tortured, and killed captured Russian soldiers. In one incident, rebel sources reported that they executed nine Russian prisoners after Moscow refused to exchange them for a Russian officer accused of raping and killing a Chechen woman. In another incident reported by an NGO, a Chechen witness described seeing the body of a Russian soldier with his throat cut. When asked by the witness why the soldier was killed, the rebel fighters purportedly replied that it was their standard practice to slit the throats of Russian captives.

Individual rebel field commanders were reportedly responsible for funding their own units, and some allegedly resorted to drug smuggling and kidnaping and ransom to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and simple criminal gangs. Some rebels received financial and other forms of assistance from foreign supporters of international terrorism. The international terrorist leader Osama Bin Laden reportedly sent funds, personnel, and material to elements in the rebel camp. According to press reports, as many as 400 of Bin Laden's followers may have joined the rebels from his base in Afghanistan (see Section I.a.).

Government forces and Chechen separatists have used landmines extensively in Chechnya and Dagestan since August 1999. In April, the country announced plans to mine its border with Georgia. There is not accurate information on the number of those killed by landmines throughout Russia.

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 numerous national and regional media reflect a multitude of opinions; however, government pressure on the media persisted and in some respects increased significantly, resulting in numerous infringements of these rights. The Government exerted pressure on journalists, particularly those who reported on corruption or criticized officials, by: selectively denying them access to information (including, for example, statistics theoretically available to the public) and filming opportunities; demanding the right to approve certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations; removing reporters from their jobs; and bringing libel suits against journalists. Faced with continuing financial difficulties and increased pressure from the Government, many media organizations saw their autonomy erode during the year. The Glasnost Defense Foundation (GDF), an NGO that tracks violations of the rights of journalists in the countries of the former Soviet Union, estimates that several hundred lawsuits and other legal actions were brought by government agencies against journalists and journalistic organizations during 1999, the majority of them in response to unfavorable coverage of government policy or operations. During the year, judges rarely found for the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing the journalist. On October 4 the Kirovskiy district court of Kazan ordered the local television company "Efir" to compensate Anatoliy Vasilyev, a former

candidate to the State Council of Tatarstan, for airing a program which, according to the court, falsely accused Vasilyev of deceiving his business partners. On November 1, Kirovskiy district court in Yekaterinburg ruled that an article in the local newspaper "Vecherniye Vedomosti Yekaterinburga" accusing Arkadiy Chernetskiy, the mayor of Yekaterinburg, of applying illegal methods in his election campaign, was false. The court ordered the newspaper to print a disclaimer, and to pay damages to Chernetskiy. On November 9, the Sovietskiy district court in the city of Bryansk required the local newspaper "Bryanskoye Vremya" to print an apology and to compensate Bryansk governor Yuriy Lodkin, who sued the paper for criticizing him in a way that he considered insulting.

With some exceptions, judges appeared unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings; jail terms occasionally were handed down as well. Such rulings served to reinforce the already significant tendency toward self-censorship. Not infrequently journalists were attacked physically, although in the majority of these cases, no direct link was ever established between the assault and the authorities who reportedly took offense at the reporting in question. The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media.

The concentration of ownership of major media organizations—already a serious threat to editorial independence in 1999—increased during the year. The largest media empires (including media outlets owned by the federal, regional, and local governments) remained intact. However, Media-Most, the country's largest independent company was under pressure by the Government and the Government resumed operational control of ORT. In particular, government structures, banking interests, and the state-controlled energy giants UES and Gazprom continued to dominate the Moscow media market even as they extended their influence into the regions. Continuing financial difficulties exacerbated this problem during the year, weakening the fiscal positions of most news organizations and thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. Although advertising revenues began to return to 1998 levels, they did not do so completely. As a result, the media's autonomy and concomitant ability to act as a watchdog remained weak. In key respects, private media organizations across the country remained dependent on the Government during the year. According to the GDF, some 90 percent of print media organizations continued to rely on state-controlled concerns for paper, printing, or distribution, while many television stations were forced to rely on the state (in particular, regional committees for the management of state property) for access to the airwaves and office space.

Moreover, journalists continued to depend on local authorities for accreditation to major news events. Reports of both favoritism toward reporters associated (or aligned) with the federal or local administration and denial of access to journalists representing independent media organizations were widespread. The Presidential Administration, for example, refused to accredit a reporter from the Moscow-based newspaper *Novyye Izvestiya* for President Putin's summer visit to China and Japan. *Novyye Izvestiya* has frequently criticized the President since his election in March. *Kommersant Daily* has also reportedly been denied access to some official sources. Moreover, in the immediate aftermath of the Kursk submarine sinking, the Government denied site access to all media except the official network, Russian Television and Radio (RTR), a decision that gave rise to heavy criticism from the majority of media outlets.

The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The Foundation noted that, as in 1999, this practice was more common outside the Moscow area than in the capital itself. Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media still routinely receive tax breaks on high-cost items such as paper, the GDF and other media NGO's documented numerous instances of use by the Government of tax levers to pressure media across the country. Further, the Government occasionally sought to limit reporting on tax matters. In Volgograd oblast, for instance, local tax police in November declared the entry into force of an "Agreement on Cooperation" which stipulated that all information related to the activities of the tax police should be "cleared" with the relevant authorities prior to publication. In certain cases, journalists were even forbidden to cite sources from the local tax service. A number of local newspapers, including *Volgogradskaya Pravda*, *Inter*, *Gorodskiy Vestnik*, and *Delovoye Povolzhye* were reportedly pressured into signing the agreement. This agreement came on the heels of a similar agreement with the

FSB in Volgograd, binding the same publications to inform the FSB before they publish any materials related to the security service. National independent media, such as NTV, expressed concern that such contracts would serve as examples for other regions around the country.

The private media continue to face more direct challenges from the Government as well. The Government owns about 150 of the 550 television stations in the country and nearly one-fifth of the 12,000 registered newspapers and periodicals. Of the three national television stations, the State owns Russian Television and Radio (RTR) and a majority of Russian Public Television (ORT); it also maintains ownership or control of major radio stations (Mayak and Radio Rossii) and news agencies (ITAR-TASS and RIA-Novosti). At the regional and local levels, governments operated or controlled a much higher percentage of the media than in Moscow; in many cities and towns across the country, government-run media organizations were the only major source of news and information, according to the GDF. Thus, in many media markets, citizens received information mainly from unchallenged government sources. In efforts to control the media, federal authorities issued orders and formulated doctrines designed to limit free expression and electronic privacy. On June 22 President Putin signed an amendment to the law on mass media that places restrictions on media coverage of narcotics issues, banning reporting on: "The location of illegal trade in drugs," "methods of narcotics consumption"; and "the composition of drugs." Media outlets which violate these bans could be closed after two warnings. Newspapers did not successfully challenge the legality of the amendment during the year. On September 12 President Putin approved an Information Security Doctrine which had been adopted by the Security Council on June 23. The 40-page document outlined "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology." Sergey Ivanov, Secretary of the Security Council, claimed that the goals of the document are "the protection of the rights of the individual, freedom of speech, and the prohibition of censorship." However, the doctrine immediately raised concerns among journalists that its real purpose may be to consolidate government control over the mass media. Many observers viewed it as an indication that the Kremlin considers the media as "yet another sphere subject to the administration and control of the government." Although the document reaffirms the state's commitment to preserve the freedoms of expression and of access to information, it contains numerous clauses that are extremely vague, and which according to critics, can be interpreted very broadly by lawmakers and bureaucrats. Of particular concern, for example, were the clauses calling for an "increase in propaganda activity to counter the negative effects of the dissemination of misinformation about the internal policies of the Russian state"; and "clarification of the status of foreign journalists and media outlets" working in the country, in order to "place them on an equal footing with the domestic media."

The system of operative and investigate procedures (SORM) continued during the year to limit the electronic privacy of both citizens and foreigners (see section 1.f.).

Government intimidation and censorship, both direct and indirect, remained a significant problem during the year. On January 17 Aleksander Khinshtein, a journalist with Moskovskiy Komsomolets and TV-Center known for his frequent vitriolic attacks on senior Government officials, was visited at his home by armed FSB agents who demanded that the journalist accompany them to the city of Vladimir for "psychiatric testing." (Khinshtein produced documentation to the effect that he was ill and, in the end, was not forced to leave his home.) Police also charged the journalist with falsification of his Moscow driver's license; Khinshtein denies any wrongdoing. Khinshtein and many other independent observers characterized the arrest as "an act of intimidation designed to send a message." The case was closed on February 16. On March 15 the Moscow daily Novaya Gazeta reported that its computer network was hacked, preventing the publication of that day's edition. Dmitry Muratov, the newspaper's editor in chief, told the GDF that the hacking occurred on the very day that the newspaper was to publish a number of articles exploring irregularities in the financing of Vladimir Putin's election campaign. Muratov categorically ruled out any possibility of an "accidental" or "technical" failure. Muratov also stated that his newspaper had come under "increased pressure from the authorities" in connection with its reporting on corruption in the Government and the war in Chechnya. Moreover, Muratov stated that the newspaper was offered financial "favors" on a number of occasions in exchange for "reconsidering its political stance." The perpetrators of the computer attack were never identified.

The Government has also brought considerable pressure to bear on the largest media conglomerates. The most notable example of this phenomenon was the high-profile conflict between the Kremlin and Media-Most (owned by Vladimir Gusinskiy). The conflict, which became public in the summer of 1999, intensified significantly in 2000. Government-controlled media, including the RTR and the gov-

ernment-aligned ORT, continued to “expose” Media-Most’s debts to state structures, including the energy giant Gazprom. The state filed a lawsuit against Media-Most and demanded repayment to the state-controlled Vneshekonombank of a \$42.2 million credit. In March the state-backed Gazprom repaid Credit Suisse-First Boston a \$211 million Media-Most loan that the firm had guaranteed in 1998. Immediately following the repayment, Gazprom demanded that Media-Most repay this debt, refusing to accept shares in the holding’s outlets as a form of repayment. Media-Most executives and most media experts maintain that Gazprom acted at the behest of the Putin administration. On October 18 a district court in Moscow found for Media-Most in its suit against the FSB for “slandering its business reputation” as a result of information the FSB made public earlier in the year. The court held that the FSB must apologize for this on ORT during prime time; the FSB has appealed this decision.

Notwithstanding this pressure, the Media-Most media companies (including the NTV, the radio station Ekho Moskvyy, the news daily Segodnya, and the weekly Itogi) which are generally well regarded for their relative professionalism and independence, did not cede editorial ground. These media outlets continued to criticize President Putin and his administration on a wide range of problems, including the Kremlin’s media policy. On May 11 masked law enforcement officers raided the offices of Media-Most in central Moscow and confiscated documents and technical equipment. The authorities charged that the holding’s security service illegally recorded telephone conversations. Media-Most called the raid “a politically motivated attack on freedom of the press.” In a statement, the Russian Union of Journalists termed it “an unconstitutional act aimed at intimidating the independent media.” On June 11 Media-Most chief Vladimir Gusinskiy was arrested on charges of embezzlement of state property in the course of the 1995 privatization of Russkoye Video, a television production company in St. Petersburg. (The head of Russkoye Video remained in jail, although no formal charges have yet been brought against him.) While observers expressed differing opinions on the legitimacy of the charge, most disinterested analysts considered the arrest to be an “excessive” measure. Gusinskiy was released 3 days after his arrest following widespread domestic and international criticism. Although the progovernment media defended the arrest, arguing that “everyone is equal before the law,” politicians, journalists, and observers in opposition to the Kremlin agreed that the case was politically motivated and that it augured poorly for the future of freedom of expression. After Gusinskiy’s release, law enforcement officers once again raided the Media-Most headquarters and Gusinskiy’s private residence, where they inventoried his property, reportedly in connection with the “Russkoye Video” case. On July 27 Gusinskiy left the country to join his family in Spain. On September 19 both Media-Most and Gazprom Media acknowledged that Gusinskiy, Media Minister Mikhail Lesin, and Gazprom Media head Alfred Kokh signed an agreement in July to sell Media-Most for \$300 million in cash and \$473 million in debt to Gazprom Media. The agreement, published in the media in September, contained a paragraph on the dropping of criminal charges against Gusinskiy, who later declared the agreement “null and void” for having been signed under duress—in his own words, “at gunpoint”—and indeed under the direct threat of imprisonment. Gazprom alleged that Media-Most hid assets in offshore companies. Deputy Procurator General Vasilii Kolmogorov said on September 19 that if these allegations were substantiated, he would launch a criminal case against the holding (see Section 1.d.).

On December 8 the Media Ministry ordered independent privately-owned MAKS-TV in Sochi closed. According to the Ministry, the Station had violated both the law on advertising, by running a commercial for Ararat cognac in September, and the law on elections in early December. MAKS-TV went back on the air in late December.

The Kremlin has also reportedly sought to strengthen its control over the country’s most widely watched television network, ORT. In September the weekly “Sergey Dorenko Show,” a widely watched news analysis program, was taken off the air abruptly after Dorenko aired a program on September 2 highly critical of President Putin’s handling of the Kursk submarine disaster. ORT General Director Konstantin Ernst, a Putin appointee, reportedly instructed Dorenko to produce “a program the Kremlin could be happy with.” When Dorenko refused, the program was terminated on September 9. Other senior journalists at ORT, such as Tatyana Koshkaryeva and Rustam Narsikulov, were also dismissed. On December 5 a group of law enforcement agents wearing masks and bulletproof vests searched the offices of ORT, confiscating boxes of financial documents. ORT had allegedly failed to pay customs duties on imported films that it broadcast between 1996 and 1998. The Prosecutor General stated that “there was no need to apply force” during the search and demanded the resignation of the investigator who led the raid.

Freedom of the press came under the greatest challenge in the country's farthest regions. On April 14 local authorities in the city of Saratov made changes to a front-page article in the local issue of the Moscow-based daily, *Izvestiya*, which leveled criticism against Saratov Governor Dmitriy Ayatskov. Phrases containing "unfriendly" content were edited out prior to the publication. Mikhail Kozhokin, *Izvestiya's* editor in chief, described this censoring action as an example of "the new phenomenon of oblast-level censorship." On April 19 St. Petersburg police confiscated the entire issue of the local newspaper, *Moya Stolitsa*, saying that the newspaper "lacked proper registration documentation." However, according to editor in chief Aleksey Razoryonov, the real issue was the newspaper's political leanings, not the registration documentation. The newspaper frequently carried articles critical of St. Petersburg Governor Vladimir Yakovlev. According to the GDP, on April 26 police once again confiscated issues of *Moya Stolitsa* from street vendors. However, the newspaper continued to publish. On May 1, police in Kamensk-Uralskiy, Sverdlovskiy Region, ordered Artyem Schadrin, a cameraman of the local television company Gong-TV, to erase a videotape showing participants at a May Day rally beating up his colleague, Gong-TV correspondent Konstantin Litvinenko. The police also warned Denis Poteryayev, a photographer of the local newspaper *Novyy Kompas*, not to publish the pictures he took during the rally. Later that day, several police officers visited the newspaper and ordered Poteryayev to expose the film containing the photographs in their presence. The journalist complied. On May 5, local authorities in Rostov-on-Don ordered the destruction of an entire issue of the local newspaper *Perekrestok Kentavra*. The newspaper contained an editorial about the upcoming inauguration of President Putin and a collage depicting Putin as a Nazi officer. The publication of "fascist symbolism," including Nazi imagery, is prohibited by law.

On July 26, local authorities arrested Irina Grebneva, the editor of Vladivostok newspaper *Arsenyevskiy Vestnik*, on charges of "petty hooliganism." Grebneva published uncensored, profanity-ridden transcripts of phone conversations of top regional officials, including Primorye Governor Yevgeniy Nazdratenko. Grebneva was convicted of the charges on which she was arrested and sentenced to 5 days in jail. When she was denied the right to appeal the decision, she launched a hunger strike to protest the sentence. *Arsenyevskiy Vestnik* is one of the few local newspapers which regularly criticized Governor Nazdratenko and his allies. The governor and local authorities have sued the paper for libel 22 times since Nazdratenko was elected in 1995. All of the cases are pending.

Journalists who publish critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to threats of physical violence, beatings, and murder. A number of independent media NGO's have characterized beatings of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

The press and media NGO's reported a number of killings of journalists, presumed to be related to the journalistic work of the victims, and dozens of other bodily assaults on journalists. As in 1999, police seldom identified the perpetrators of crimes against journalists. On July 16, Igor Domnikov, a Moscow journalist from *Novaya Gazeta* died in the hospital after a brutal beating in April. According to Dmitriy Muratov, editor in chief of *Novaya Gazeta*, the killing was directly linked to his professional activities. Press reports after the incident speculated that Domnikov was mistaken for his colleague Oleg Sultanov, an investigative reporter who has written extensively on alleged corruption in LUKOIL and the FSB. On July 18, Andrey Barys, a reporter from *Uralskiy Rabochiy*, was attacked by three unidentified assailants in the city of Kachkanar (Sverdlovsk oblast), where he had traveled to do a story on a criminal group headed by Valeriy Volkov. Shortly after his arrival in Kachkanar, Barys discovered that he was being followed by a group of men. Later, the men attacked Barys, telling him, "Don't poke your nose into Volkov's affairs!" After the beating, the men advised Barys to leave the city. The next day, Barys attempted to contact the local police, but the police chief refused to hear his complaint. On July 21, a correspondent of the local Yekaterinburg TV company ASV Prestige, Sergey Melnikov, was badly beaten; Melnikov and his colleagues contend that the attack was the result of his reporting on the city's illegal drug trade. The journalist had to be hospitalized with serious head injuries. No arrests were made.

On July 26 Sergey Novikov, president of Smolensk's only independent radio station, *Vesna*, was killed in his apartment building. Since 1999 the radio station had repeatedly denounced corruption within the ranks of the regional administration, the courts, and the police. A month before his death, Novikov wrote an open letter to Smolensk governor Aleksandr Prokhorov that included the names of officials suspected of corruption. The Ministry of the Interior classified the murder as a contract

killing and has not ruled out a link to Novikov's work as a journalist. On August 23 journalists from local Pskov newspapers were denied access to a meeting of Governor Mikhaylov with the employees of the farm Krasnyy Luch. When a journalist from Pskov Lenta Novostey, Tatyana Mustaykina, tried to convince the guards to let her in, Yuriy Kusov, an officer of local administration, arrived, grabbed Mustaykina by the hair, and attempted to force her to the ground. When Kusov realized that the episode was being filmed by a cameraman, he tried unsuccessfully to confiscate the camera. In October, the Pskov Procuracy decided that Kusov could be charged on administrative charges. Kusov was summoned to but replied he was sick. On November 9, the GUVD Chief received Kusov's request to close the case due to expiration of statute of limitations and the case was closed.

On September 22, Iskander Khatloni, a Radio Free Europe/Radio Liberty journalist was murdered in Moscow. The police have opened an investigation but have not so far released any information.

On December 17, Oleg Lure, an investigative journalist for Novaya Gazeta was severely beaten by five assailants. The assailants did not take either his money or valuables. Lure believes the attack was related to his articles touching on the interests of such individuals as the presidential chief of staff, the State Duma deputy, and his most recent article on alleged kickbacks to Kremlin officials. Police are investigating the incident.

No progress was made in the investigation of the August 1998 beating death of Anatoliy Levin-Utkin, deputy editor of Yuridichesky Petersburg Segodnya.

The country's Northern Caucasus continued to be a dangerous region for Russian journalists. Kidnapings and assaults remained serious threats. In addition, federal authorities—both military and civilian—limited journalists' access to war zones and confiscated reports and equipment. Special accreditation besides the usual Foreign Ministry accreditation was required for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to obtain local press accreditation.

The best-known example of the violation of the rights of a journalist operating in this region is that of Radio Liberty's Andrey Babitskiy. Babitskiy's coverage of the conflict in Chechnya prompted an angry reaction from the Government and the armed forces; the latter frequently accused the correspondent of "conspiring with Chechen rebels." On January 8 security agents raided Babitskiy's Moscow apartment and confiscated several items. On January 15, Babitskiy was reported "missing" in Chechnya. Although the Government denied at first any involvement in the case, Interior Ministry spokesman Oleg Aksenov acknowledged on January 28 that law enforcement authorities had arrested Babitskiy in Chechnya on the grounds that he "lacked the proper accreditation." On February 3, Acting Procurator General Vladimir Ustinov stated that Babitskiy had been "exchanged" for three Russian prisoners of war. Ustinov later revised his statement, explaining that Babitskiy had been released and that the journalist had "gone over to the Chechen rebels" of his own volition. However, later on, Sergey Yastrzhembskiy, a senior Presidential aide for public information on Chechnya, confirmed that Babitskiy had indeed been exchanged, and Interior Minister Vladimir Rushaylo defended the exchange as "correct and justified." On February 8, a group of prominent Russian journalists issued a statement saying, "Until we learn the truth about this story, we have every reason to think that the Russian government suspended not only freedom of speech, but also the rule of law itself, and is moving toward totalitarianism." Babitskiy subsequently was released but was later taken into custody in Makhachkala, Dagestan, by Government forces on charges of "carrying a falsified passport. On February 28, Acting President Putin announced publicly that there was no need to detain Babitskiy further, and the RFE/RL correspondent was released that day and sent back to Moscow. In October Babitskiy was tried and convicted in a court in Makhachkala of this offense but was immediately amnestied under an amnesty granted in honor of World War II. Babitskiy had trouble obtaining a passport; however, he did receive one and is now working abroad.

On February 2, Russian troops in Chechnya detained Giles Whittell, Moscow Bureau Chief of the Times of London. Presidential aide Sergey Yastrzhembskiy said at a press conference that the journalist was detained and returned to Moscow because he "lacked accreditation allowing him to work in Chechnya." The GDF issued a statement characterizing the Chechnya accreditation requirements of the Russian authorities as "illegal."

On February 15, the state-owned news agency RIA Novosti reported that Yastrzhembskiy announced an official order denying journalists access to the Chechen capital of Grozny "for 2 to 3 weeks." The order additionally limited journalist access to military hospitals by requiring that interviews take place only "under the supervision of representatives of federal troops." On March 3, federal

troops in the Chechen city of Mozdok confiscated and destroyed an ORT videotape containing interviews with Russian soldiers. According to ORT correspondent Roman Perevezentsev, the crew had traveled into Mozdok to report on casualties among Russian troops in a recent combat operation in the Chechen village of Pervomayskoye. On March 15 the Russian Ministry of Press, Television and Radio Broadcasting, and Mass Communications issued a statement that warned the Russian mass media that providing air time or news-space to Chechen rebel leaders would be considered a violation of the counterterrorism laws. In April the Ministry issued specific warnings to the newspapers *Kommersant* and *Novaya Gazeta* for publishing interviews with Chechen president Aslan Maskhadov. No further action was taken. The new Information Security Doctrine approved by the Security Council in August implies that foreign media outlets, such as Radio Free Europe Liberty, represent a danger to the state. Human rights activists and journalists fear that media freedom could be even more severely restricted.

The Government generally respects academic freedom; however, human rights activists question whether recent cases such as Sutyagin and others discourage academic freedom and contact with foreigners on issues that might be deemed sensitive.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to assemble freely, and the Government respects this right in practice. Organizations must obtain permits in order to hold public meetings. The application process must begin between 5 and 10 days before the scheduled event. Citizens freely and actively protested government decisions and actions. Permits to demonstrate were granted readily to both opponents and supporters of the Government. However, certain religious denominations such as Jehovah's Witnesses have been either denied permission to assemble, or once Ministry of Justice officials issued permission, local officials have withdrawn it.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. A 1995 registration law specified that organizations had until July 1999 to reregister. When the deadline expired, some human rights monitors expressed concern that an estimated 10,000 NGO's would be vulnerable to possible "liquidation" (elimination of juridical status by court order) by local authorities who were hostile to human rights or opposition political activity. In November 1999, the Federation Council rejected a bill passed by the Duma to extend the reregistration deadline by a year, a move which human rights activists marked as a potentially serious blow to freedom of association. The Ministry of Justice maintained that there were not a large number of liquidations as a result of the passing deadline. Most of the organizations that wanted to register were able to do so with the notable few whose names or charters were unacceptable to the authorities (e.g., Yablokov's Ecology and Human Rights).

However, a February report, prepared by the NGO Human Rights Information Center and the Center for Development of Democracy and Human Rights, cited Ministry of Justice statistics indicating that only 57.8 percent of the total number of organizations managed to reregister by the July 1999 deadline. According to the report, 42.2 percent of organizations became liable to liquidation of their juridical status. The report further claimed that only 12 percent of Moscow organizations succeeded in registering or reregistering. The report claimed that the net result was to reduce the overall number of organizations and to eliminate "politically undesirable" organizations from certain regions. While the numbers are high, many organizations continued to work without registration, while others reregistered under a new name. Reasons for failure to register varied, but a common thread was the request by the Ministry of Justice for many organizations to refrain from citing "defense of human rights" as one of their goals. The Ministry demanded that organizations such as Ecology and Human Rights, Glasnost Public Foundation, and Memorial remove such references since, according to the Constitution, NGO's are not among the institutions authorized to "defend" human rights. According to the reasoning used by the MOJ, such organizations can only aid the government and lawyers in the defense of such rights. Ecology and Human Rights managed to register in August, but only as a branch of an organization registered in St. Petersburg by prominent activists Aleksandr Nikitin and Grigoriy Pasko. Despite the apparent high number of unregistered groups, many organizations are defunct or changed names. Lyudmila Alekseyvena, Chair of the Moscow Helsinki Group, reported that the majority of groups that desired to register were able to do so, although sometimes this came after repeated attempts.

In addition to submitting their bylaws and the names of their leaders, political parties must present 5,000 signatures and pay a fee to register. The Constitution

and the Law on Elections ban the participation in elections of organizations that profess anticonstitutional themes or activities.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, although the Constitution also provides for the equality of all religions before the law and the separation of church and state, in practice the Government does not always respect the provision for equality of religions, and in some cases local authorities imposed restrictions on some groups.

In 1997 the Duma enacted a new, restrictive, and potentially discriminatory law on religion. This law replaced the progressive 1990 religion law that had helped facilitate a revival of religious activity. The new law ostensibly targeted so-called totalitarian sects or dangerous religious cults. However, the intent of some of the law's sponsors appears to have been to discriminate against members of foreign and less well-established religions by making it difficult for them to manifest their beliefs through organized religious institutions. The Presidential Administration has been mostly silent on implementation of the law. Implementation of the 1997 law on religion has varied in the regions. To a great extent, implementation depends on the territorial bodies of the Ministry of Justice in each area which are responsible for registering new organizations, reregistering existing organizations, and liquidating those that do not manage to reregister. In some areas such as Moscow, minority religious denominations like the Jehovah's Witnesses and the Salvation Army have not been able to reregister local religious organizations.

The 1997 law on religion has many ambiguous and contradictory provisions. The law creates various categories of religious communities with differing levels of legal status and privileges, distinguishes between religious "groups" and "organizations," two mutually exclusive registration categories, and creates two categories of organizations: "regional" and "centralized." A religious "group" is a congregation of worshippers that does not have the legal status of a juridical person. However, groups are permitted to rent public spaces and hold services. Moreover, the law does not purport to abridge the rights of individual members of "groups."

Organizations, both local and centralized, are considered juridical persons, enjoy tax exemptions, and are permitted to proselytize, conduct liturgical services and other religious activities, establish religious schools, host foreign religious workers, and publish literature.

Under the 1997 religion law, representative offices of foreign religious organizations are required to register with state authorities. In practice foreign religious representatives' offices (those not registered under the law) have opened without registering or have been accredited to a registered Russian religious organization. However, these representative offices cannot carry out religious activities and do not have the status of a religious organization.

Critics of the law have claimed that it violates the Constitution's provision of equality before the law of all confessions. In particular, many religious groups criticized the law's 15 year requirement and feared the consequences of the law's provisions limiting the actions of foreign religious missionaries. Officials at the local level have used the law to restrict the activities of religious minorities.

Human rights activists welcomed a March 1999 and December 2000 open letter to the President and Duma by Human Rights Plenipotentiary Oleg Mironov, in which he criticized the 1997 religion law and recommended changes to bring it into accordance with the Constitution and international norms for religious freedom. In practice the registration process—which involves simultaneous registration at both the federal and local levels—requires considerable time, effort, and legal expense and has proven onerous for a number of groups. International and well-funded Russian religious organizations, in particular, began the reregistration process soon after publication of the regulations. Russian Pentecostal groups, which have a solid and growing network of churches throughout the country, sought guidance from the Ministry of Justice on reregistration as early as November 1997. One of the larger organizations, the Russian Unified Fellowship of Christians of the Evangelical Faith (which traces its origins back to the early 1900's), reregistered as a centralized religious organization by late March 1998. It has since incorporated many smaller, newer Pentecostal groups within its structure. However, nearly 500 Pentecostal local religious organizations did not succeed in reregistering and are now subject to liquidation of their status as juridical persons.

The vast majority of organizations attempting to reregister as central organizations succeeded, although there were a few notable exceptions: Salvation Army, Ukrainian Orthodox Church, and a faction of the Muslim communities under the Mufti Tayzhuddin. By year's end, the Ministry of Justice estimated that 70–75 percent of local religious organizations needing to reregister had done so. However, these figures are misleading, since in some cases the organizations no longer exist.

The Russian Orthodox Church reregistered between 65–75 percent of its organizations, Protestant communities 78 percent, Muslim 60 percent, Jewish 80 percent, Buddhists 65 percent, and Catholic 70–80 percent. All organizations, according to the Congress of Religious Jewish Communities of Russia (KEROOR) and the Federation of Jewish Communities of Russia (FEOR) have reregistered at year's end. However, one of KEROOR's local Moscow organizations has not been able to register as a new organization, applying already three times unsuccessfully.

By year's end no religious organization had ceased operations as a result of the law; however the Salvation Army has had problems in Moscow trying to extend office leases and operate its food distribution program because landlords and social services personnel have assumed it has been liquidated.

Jehovah's Witnesses reported that since the 1997 law went into effect they managed to register or reregister 97 percent of their organizations. A total of 190 of those were organizations already extant which had to reregister. Some 156 were new organizations registering for the first time. There were several regions such as Tartarstan, Moscow, Chelyabinsk, and Kalbadrino-Balkaria where organizations experienced problems.

Hare Krishnas have experienced no problems at the federal level; however, they have encountered significant opposition from the Russian Orthodox Church. For many years the group operated underground, and in 1999 it successfully registered as a religious organization and received permission to lease a building in Moscow to use as a temple. The city has slated the area in which the current central temple is located as part of a new ring road, however, and Hare Krishnas have experienced problems in trying to obtain permission to build a new complex. The Krishna Movement has grown to more than 130 centers across the country and nearly 100,000 believers. They have experienced problems in the Krasnodor Oblast, particularly. The Procurator General of Moscow has opened an investigation into the group's liturgy as of October. Investigators claim they are examining whether the literature "incites criminal acts".

The Church of Jesus Christ of Latter-Day Saints registered or reregistered all of its organizations requiring registration by year's end but continued to encounter problems in registering four of its new organizations in Chelyabinsk, Tver, and Tatarstan. In September the directorate of justice in Chelyabinsk rejected the local registration application of the Church of Jesus Christ of Latter-Day Saints for a seventh time. Even without registration, the church continued to hold regular services without incident, although its missionaries experienced problems in registering with the local visa office; this required them to stay in a hotel in a different city and then travel to the area for brief periods.

The Society of Jesus (Jesuits) was denied federal registration because the order's status, which is independent of a local bishop, does not meet requirements contained in the 1997 law's provisions. However, on April 13 the Constitutional Court ruling authorized the Jesuits to be registered. This ruling in *Rossiskaya Gazeta* referred extensively to passages in the November 1999 Constitutional Court ruling (which effectively legalized registered organizations existing at the time of the passage of the 1997 law). The April ruling also specifically refuted points cited by the Ministry of Justice as reasons for initial refusal. By year's end they were registered.

Around sixty percent of Muslim organizations managed to reregister. The large percentage that did not is due partly to an internal struggle between the Central Spiritual Directorate of Muslims in European Russia and Siberia, based in Ufa and led by Mufti Talgat Tadzhuddin, and the Moscow-based Russian Council of Muftis, led by Chief Mufti Ravil Gainutdin. Due to the refusal to register Mufti Tayzhuddin's group as a central organization, many local organizations did not manage to reregister in time. Additionally, many rural parishes either did not know they needed to reregister or did not know how to go about reregistering.

The delays in reregistration are in part due to the slow pace at which the federal Ministry of Justice at first disseminated the regulations and guidelines to local authorities and to understaffing both at the Ministry of Justice and at local levels. Although the Ministry of Justice claims that internal organizational disputes, which lead to the failure of many religious leaders to prepare documentation properly, is to blame for the slow pace of registration. However, delays and rejections also are due in part to discrimination by some local officials against what they believe are "sects," such as Scientologists, Jehovah's Witnesses, Mormons, and others. In many instances, the Ministry of Justice asks for additional information and demands changes in the organizational structure and by-laws of some groups to ensure that they are in conformance with the law. In other instances, groups are rejected with no explanation. Another problem is the lack of congruence between regional and federal laws. As of 1999, of 89 regions, 30 had laws and decrees on religion that violated the Constitution by restricting the activities of religious groups. Government

authorities have attempted to deal with this by introducing a federal register of laws to ensure that laws conformed to the constitution.

The Moscow city authorities continued to create difficulties for some religious denominations. The Moscow Directorate of Justice continues to refuse registration to Jehovah's Witnesses in Moscow, despite the precedent set by the federal Ministry of Justice's April 30, 1999, decision to reregister Jehovah's Witnesses at the federal level. The Directorate has refused four applications for local registration by Moscow Jehovah's Witnesses for unclear reasons. In this case, the Judge has appointed an "expert panel" to assess the merits of the organization as a religion. In some cases, human rights groups have accused such panels of lacking objectivity and ruling according to political allegiance rather than legal criteria. In November the Salvation Army was denied registration by the Moscow City Appeals Court, which refused to register their Moscow branch as a Local Religious Organization (LRO). The Appeals Court upheld a lower court ruling that the organization could only be accorded the status of "representative of a foreign religious organization" since its headquarters is abroad. This denial has implications for other religious groups since it may affect the registration of Roman Catholics, Mormons and Jehovah's Witnesses.

Although it can be a slow and costly process, the judicial system has provided an appeal process for religious organizations threatened with loss of registered status or "liquidation" as a religious organization under Article 14 of the 1997 religion law. Some local churches initially denied local registration have been registered following successful lawsuits, as in the case of the Evangelical Lutheran Mission in Khakasiya in November 1998, when the federal Supreme Court overturned the verdict of the Khakasiya Supreme Court. In February 1999 the Supreme Court of Khakasiya rejected the regional procurator's request to nullify the registration of the Evangelical Lutheran Mission; the procurator plans to appeal the case. In 1998 a local Procuracy opened a civil case against the Word of Life Pentecostal Church in the Far Eastern city of Magadan under Article 14 of the 1997 religion law, accusing the Church of using cult practices to manipulate its members. After a lengthy delay, a Magadan municipal court finally dismissed the case in May due to insufficient evidence, a decision that was upheld in June by the Magadan oblast court. However, the Church fears that the same Procuracy soon may try to open a criminal case. The Word of Life Church also won a court battle for reregistration in March. A church member employed by the Government who was threatened with the loss of her job late in 1998 was still at her post as of June. Church officials report that two other church members were fired because of their religion, but such allegations are difficult to prove. Also, tax investigations on two separate charges continue. Church members reported that negative stories about them repeatedly appeared in the local state-controlled press, with no mention of their court victories. Despite the court case and other difficulties, the Word of Life Pentecostal Church continues its normal activities.

The Government has restricted the activities of a number of foreign missionaries and of congregations associated with them. There were reports that four foreign missionaries were being refused visas to return to the country. The former pastor of the Vanino Baptist Church in the Khabarovsk region was banned from receiving a visa based on allegations that he violated customs regulations and evaded property taxes; however, it appears that local authorities violated their own regulations and refused to take necessary actions (such as providing a timely tax assessment), which would have enabled the pastor to comply with the law. An official of the Church of Christ in Magadan also faced a criminal charge for failing to report \$8,000 to customs officials, reportedly because he feared that the money would be stolen. He was acquitted in December 1999, primarily because the investigation and prosecution were marred by serious violations of due process by local authorities. Local authorities then defied a court ruling to return the money, returning it briefly only to confiscate it a few minutes later, citing administrative customs regulations not applicable to the case. The third case, regarding the Church of Christ in Volgograd, appears to have been a response to articles in the local press accusing a church official of being a spy. Those allegations may have led local authorities to recommend to the Ministry of Foreign Affairs that a visa be refused. A member of the local congregation, reported in May that since local authorities no longer object to the missionary's return, it appears to be federal authorities who still are refusing to authorize issuance of a visa. A fourth missionary, of the Evangelical Free Church of America, who entered the country legally with a visa sponsored by a Moscow congregation, has been refused registration to reside in Naberezhniy Chelny, Tartarstan. The missionary, who is married to a Russian citizen, also has been refused permission to register as a resident foreign spouse of a Russian citizen. The letter of refusal he received from the Ministry of Internal Affairs' local passport control office cited "national security" concerns.

Critics contend that the Federal Government should be more active in reversing discriminatory actions taken at the local level and, when necessary, reprimanding the officials at fault. Also according to critics, the federal authorities need to take action to ensure that regional and local legislation or other actions do not contradict constitutional provisions protecting religious freedom. Government officials have established consultative mechanisms to facilitate government interaction with religious communities and to monitor application of the law on religion. Federal authorities and Moscow human rights monitors often have limited information about what is happening in the regions, however. According to various sources, most citizens, especially those living in the regions, still are skeptical about the protection of religious freedom and are reluctant to assert their rights due to fear of retaliation. Some local and municipal governments reportedly prevented religious groups from using venues, such as cinemas, suitable for large gatherings. In many areas of the country, government-owned facilities are the only available venues. As a result, in some instances denominations that do not have their own property effectively are denied the opportunity to practice their faith in large groups. Jehovah's Witnesses organized a convention to take place in Ivanovo on July 7–9. On July 4, the deputy head of the city administration issued an injunction prohibiting the convention. The Jehovah's Witnesses local leader, Yevgeniy Borisov, ignored the injunction and went ahead with the convention. However, on July 31, the Ivanovo Oktyabrskiy district court ruled that Borisov had violated the administrative order and sentenced him to 2 months of "correctional activities" (not incarceration) and forfeiture of 20 percent of his salary during this period. The Jehovah's Witnesses appealed this ruling, and the Regional Court of the Federal Judiciary System overturned the lower court ruling on the basis that the city administration's injunction violated federal law. On October 10, the Supreme Court ruled in favor of Sergeir Airiyev, one of the Jehovah's Witnesses who had been accused by local officials of breaking the law by organizing a religious convention in Kislovodsk.

Reports of official harassment and punishment for religious belief or activity continued. Despite legal registration, members of some religions—including Protestant groups, Jehovah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints—continue to face discrimination in their ability to rent premises and conduct group activities. For example, Jehovah's Witnesses report that in Volgograd, on August 20, national and religious extremists broke up their religious meetings and whipped some of their members. Criminal charges have been brought, but no prosecution or conviction has occurred to date. In six cases in St. Petersburg and Moscow, police arrested and harshly treated Jehovah's Witnesses while they were engaged in publicly discussing their religious views with neighbors. Two of these cases occurred in the Northern Administrative county in Moscow (where the trial to ban Jehovah's Witnesses will be heard). In four other cases, two men and two women were beaten by hooligans while engaged in public evangelizing work. Charges have been filed with the police. Jehovah's Witnesses report that there are currently about 20 cases across Russia where local authorities have arbitrarily refused to issue permits for construction, renovation, or occupancy of buildings to be used as houses of worship for Jehovah's Witnesses. In regard to a proposed house of worship in St. Petersburg, the Governor's Office is said to have stated that Jehovah's Witnesses had enough places of worship and any permit was subject to the feelings of local residents. Jehovah's Witnesses also report that in Alagir, Northern Ossetia, local authorities sealed the door of a newly built house of worship on July 5 and prohibited its use despite the fact that all permits had been obtained.

The Church of Scientology has been in conflict with authorities since a February 1999 raid on its Hubbard Center in Moscow by the tax police, FSB, and procurator. Since then the organization has faced charges that it engaged in a commercial enterprise without a license. The case is still pending. The Church has been repeatedly refused in its efforts to reregister its national center and register local religious organizations. While the Church has succeeded in registering 50 "Dianetics Centers" as social organizations, it has only managed to register 1 Church of Scientology in Moscow as of October. The Church reports that authorities have impeded the operation of its centers in Dmitrograd, Khabarovsk, and Izhevsk.

Groups such as the Catholic Church have complained about undue attention from the authorities in Moscow, being forced to submit to unwarranted fire inspections, document verifications by the Ministry of Interior, and harassment of believers at a Sunday Mass.

Property disputes are among the most frequent complaints cited by religious groups. Many synagogues, churches, and mosques were returned to communities to be used for religious services. The Federal Government met the requirements of the 1993 presidential decree on communal property restitution, and the decree continues to guide the ongoing process. According to statistics from the Ministry of

State Property, as of 1999 over 2,000 federally owned properties had been returned to religious communities since 1989. However, jurisdiction in most cases is at the regional level, and there is no centralized source of information on these cases. One Ministry of Culture official responsible for restitution of religious historical monuments estimated early in 1999 that over 3,600 transfers of religious buildings had occurred at the regional level and that approximately 30 percent of property designated for return had been transferred back to its original owners at both the federal and regional levels. Nonetheless, there continue to be reports of religious property that has not been returned. For example, the Roman Catholic Church of Saints Peter and Paul in Moscow has not been returned to the Catholic Church despite numerous appeals to the authorities and court. Twice in 1997 the Arbitration Court ruled against the Church. However, the Catholic Church continues to press for the return of this property despite the rulings.

Some Protestant faiths have suggested that the Russian Orthodox Church influences the Government regarding land allocated for churches of other religious groups. The Russian Orthodox Church denies such influence. The Jewish community, which had some success on communal property restitution, faces the same obstacles as other religious communities on the issue of the return of Torah scrolls, many of which are in state museum collections. In May the Ministry of Culture turned over 60 Torah scrolls to the Congress of Religious Jewish Communities, welcomed by the Jewish community.

In its preamble (which government officials insist has no legal force), the 1997 religion law recognizes the "special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." It accords "respect" to Christianity, Islam, Buddhism, Judaism, and certain other religions as an inseparable part of the country's historical heritage. Russian Orthodoxy is considered in conservative nationalist circles as the de facto official religion of the country. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian.

The Russian Orthodox Church was involved actively in drafting the 1997 law on religion. It has special arrangements with government agencies to conduct religious education and to provide spiritual counseling to members of the armed forces. These arrangements do not appear to be available to other religions. In particular, Muslim religious leaders have complained that they are not permitted to minister to Muslim members of the armed forces. The head of the Moscow Patriarchate of the Russian Orthodox Church, the Patriarch of Moscow and all Russia, participates in most high-level official events and appears to have direct access to and influence with officials of the executive branch. Even well-established foreign religious organizations have been characterized by the Orthodox leadership as "dangerous and destructive sects." In addition, during the year the Russian Orthodox Church entered into formal agreements with the Ministries of Education, Interior, and Tax. In the latter case, October press reports indicated that the Church has agreed to cooperate with the tax authorities in investigating tax infractions by religious organizations. However, the nature of such cooperation remains vague. The Ministry of Education sent a letter in September to the rectors of higher education establishments throughout the country alleging that 700 "foreign" religious groups—including the True Orthodox Church, Jehovah's Witnesses, and the Salvation Army—are involved in military espionage and the encouragement of separatist activity, and blames foreigners for allegedly encouraging splits within the "traditional" Russian faiths, the Orthodox, Muslims, Jews, and Buddhists.

The Independent Psychiatric Association of Russia, along with several human rights organizations, criticized the use of psychiatry in "deprogramming" victims of "totalitarian sects" (see Section 1.c.). In such cases, authorities use pseudo-psychological and spiritual techniques to "treat" persons who were members of new religious groups. Human rights monitors condemned the secret video taping of a Pentecostal Church's service in Kostroma, which was introduced as evidence of hypnosis in a court case against the church in October. The Association of Independent Psychiatrists claimed that not only was the video taping illegal, but that the quality was so poor that any sort of conclusion drawn from it would be questionable. In addition, both human rights activists and independent psychiatrists believe that the "expert commission" appointed to review the tape was biased.

Although Jews and Muslims continue to encounter prejudice and societal discrimination, authorities have generally not inhibited the free practice of their religion. Other religions, including Buddhism and Shamanism, are practiced in specific localities where they are rooted in local traditions.

President Putin issued public expressions of sympathy for Jews and made a public appearance at the opening and on the first night of Hanukkah at a Jewish Cultural Center in Moscow. Nevertheless, he and his administration were accused by some

members of the Jewish community and some in the press of fomenting division within the community by supporting as head Rabbi of Russia the FEOR head Rabbi, Berel Lazar over the long-time Chief Rabbi of Russia, Adolf Shayeveich. Shayeveitch, is associated with a Jewish community organization headed by Vladimir Gusinskiy, owner of Russia's sole independent television network, which has been critical of President Putin and his support for Government forces in Chechnya. Fears of Kremlin interference in the Internal Affairs of the Jewish Community were reignited when, on October 19 law enforcement authorities conducted an illegal search of the Choral Synagogue's offices of Rabbi Pinchas Goldschmidt, who is aligned with Rabbi Shayeveich. While officials claimed that the search was not directed against the synagogue or Jewish community, but rather against the Media-Most Security Service then owned by Gusinskiy that was guarding the premises, investigators nevertheless focused on the Moscow Jewish Community's charter, membership lists, and the synagogue's financial documents. Moreover, during the search, investigators told a synagogue employee present that they were looking for evidence of money laundering. Organizations such as the Union Councils of Soviet Jews have accused the administration of harboring anti-Semitic figures. On September 7, Aleksandr Ignatov, identified as head of an office in the Presidential Administration, published an essay in the *Nezavisimaya Gazeta* claiming that a "Chasidic para-Masonic group" stood behind a supposed "world government" that was leading the drive for globalization. Subsequent to the publication of this anti-Semitic piece, the Ministry of Foreign Affairs reported that the Kremlin had established that as of October there was no Ignatov in the rolls of the Presidential Administration, and that it was conducting an internal investigation of the events surrounding the article's publication. It is unclear whether Ignatov indeed had been an official in the Presidential Administration.

Newly elected Kursk Governor Aleksandr Mikhaylov made anti-Semitic statements that were published in newspapers and aired on a television network. The Jewish community urged Putin to separate himself from the Governor. The Presidential District Representative Poltavchenko reprimanded Governor Mikhaylov in public and Mikhaylov apologized for his comments to the press.

The Federal Government states that it has moved forward on its promised initiatives against extremism and anti-Semitism, but only limited steps have been taken. In November 1998, the Duma adopted a resolution against public statements damaging to interethnic relations in the country. In March 1999, the Government presented to the Duma a draft law on combating political extremism. The Duma is still considering a draft law forbidding "Nazi symbols and literature." Separately the Procurator General sent to regional procurators in January 1999 a letter describing the Moscow city procurator's experience in combating political extremism with instructions to cut off distribution of any literature or printed material depicting Nazi symbols. The Government also states that in implementing the presidential decree on extremism, it conducted interagency consultations, beginning in June 1999 and continuing on a quarterly basis, which involve the Presidential Administration, the judiciary, law enforcement bodies, and experts from outside the Government. A government review of the implementation of existing laws against acts of national, racial, and religious hatred revealed that 25 criminal investigations were conducted in 1998, and 10 were opened by June 1999.

A prominent public figure who has regularly engaged in anti-Semitic remarks is Krasnodar region's former Governor Nikolay Kondratenko. During his tenure, the governor's speeches often contained anti-Semitic remarks and stereotypes and blamed Jews and alleged Jewish conspiracies for the country's problems. For example, Kondratenko had said that the essence of Russian history is the Russian battle against Jewish domination. He blamed "Zionists" for the war in Chechnya, for the destruction of the Communist Party, for attacks on the Russian Orthodox Church, and for introducing homosexuality into the country. According to credible reports, Kondratenko urged the firing of Jewish public employees in the region.

Particularly troubling to human rights groups and some of the Russian media has been the very public support of Kondratenko by the Kremlin-backed party Yedinstvo. Minister of Emergency Situations Sergey Shoygu, who heads Yedinstvo, openly encouraged Kondratenko to run again in the December elections. According to NTV reports, the Kremlin sent public relations specialists to the region in early September to organize a "grass roots" campaign of support for Kondratenko's candidacy, although Kondratenko decided against running for another term.

Several religious groups encountered extremist violence this year, with little or belated response from the local authorities (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continue to restrict this

right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although the rules, which came into effect at the beginning of 1996, were touted as a notification device rather than a control system, their application has produced many of the same results as the propiska system. Corruption in the registration process in local police precincts is a problem. Police demand bribes in processing registration applications and during spot checks for registration documentation.

While citizens are free to travel within the country, the Government also imposes registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and use to register with local authorities for visits of more than 3 days (in Moscow, 24 hours). However, travelers not staying in hotels usually ignore this requirement. Citizens must register to live and work in a specific area within 7 days of moving there. Russian citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to Russia from other former Soviet republics, often face enormous difficulties or simply are not permitted to register in some cities. In 1999 UNHCR and refugee rights NGO's cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the cities least open to migrants (although some NGO's dispute including St. Petersburg on this list). This continued to hold true this year. The cost of permanent registration is only \$0.30 (8 rubles). Temporary registration is available for periods ranging from 45 days to 6 months and costs \$0.16 (4 rubles and 18 kopeks) regardless of the length of stay. The Government and many residents of Moscow and other large cities defend registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and gain revenue.

There have been several disputes between the central authorities and regional governments regarding internal "passports," identity documents required for obtaining many governmental services. On December 15, the Presidents of Tatarstan, Bashkortostan, and a presidential representative of the Volga federal district reached an agreement on resuming the issuance of passports to residents of the two republics. Both leaderships suspended issuing passports three years ago to protest the failure of new Russian passports to indicate the bearer's ethnicity. Under the agreement, a special page will be inserted in passports issued in Tatarstan and Bashkortostan giving the bearer's data in the national language.

While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration. Similarly, while the Moscow procurator's office has upheld the right of migrants to receive publicly available medical care, those services are frequently denied to unregistered persons, migrants, and asylum seekers.

The city of Moscow frequently is cited by NGO's for violating the rights of non-residents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Mayor Luzhkov has in the past called for the expulsion from Moscow of Chechens and other persons from the Caucasus. Moscow police, particularly special duty OMON (special forces unit of the Ministry of Interior) units, conduct frequent document checks, particularly of persons who are dark-skinned or appear to be from the Caucasus or elsewhere. Such checks on many occasions have involved police entering residences without warrants. There are many credible reports that police fined unregistered persons in excess of legal requirements and did not provide proper documentation of the fine. According to HRW, it is not unusual for darker-skinned persons to be stopped at random and for officers to solicit bribes from those without residence permits.

In connection with bomb explosions in August and September 1999 which Moscow officials attributed to terrorists from the Northern Caucasus, Mayor Luzhkov issued an ordinance on September 13, 1999, requiring all temporary residents in Moscow since January 1, 1999 to reregister within 3 days with the Ministry of Internal Affairs. Reportedly 74,000 temporary residents sought reregistration, and approximately 15,500 were refused. In order to reregister, residents had to demonstrate a legal place of work, payment of city taxes, and a legal place of residence. Moscow authorities also restricted the arrival of new residents to the city and increased road checks and checks in train stations and marketplaces for these new arrivals. Law enforcement officials conducted searches of 26,500 apartments, 180 hotels, 415 guest houses, and 548 nightclubs and cafes. Police continued to conduct road checks at train stations, but the number of people detained was reportedly much less than last year. Human rights NGO's claim that authorities detained some 2,000 persons and expelled 500 from Moscow (see Section 1.d).

In April, the Movement for Human Rights in Moscow joined forces with the procurator general to challenge Moscow's registration requirements in Moscow City

Court. In September the procurator's office, in what many believe was a political concession, withdrew its support for the lawsuit. Nevertheless, on September 25 the Moscow City Court ruled that the city's rules on registration were unconstitutional, violating the Constitution's guarantee of freedom of movement. The Supreme Court overturned an earlier similar decision by the Moscow City Court and forced the court to hear the case again. In October the requirement was still in effect, and the practice—which police reportedly use mainly as a threat to extort money—continues.

The 1999 Moscow Helsinki Group's (MHG) human rights report highlighted restrictions placed by the authorities on Meskhetian Turks. During 1989–90 some 90,000 Meskhetians were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan. An estimated 60,000 Meskhetians remain in the Russian Federation. More than 13,000 of them settled in Krasnodar Kray, and approximately 700 settled in the Kabardino-Balkaria Republic. Authorities in Krasnodar Kray and the Karbardino-Balkaria Republic deny the Meskhetians the right to register, which deprives them of all rights of citizenship, despite the provisions of the Constitution that all Meskhetians who were residing in the Soviet Union at the time of its collapse are entitled to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, are subject to special registration restrictions, for example, having to register as a "guest" every 45 days. According to the MHG, in May 1998 Krasnodar Kray authorities initiated an attempt to compel Meskhetians to emigrate to Turkey. By September 1998 it was believed that almost 90 families had left the region for Turkey. Krasnodar human rights groups continue to state that the situation in Krasnodar has not improved. In December, the speaker of the Krasnodar Duma stated in an interview that approximately 30 families had left the region but later returned.

The Constitution provides all citizens with the right to emigrate. The Government imposes nominal emigration taxes, fees, and duties. On average it takes three months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

Some liberal principles regarding emigration procedures were codified formally in a 1996 law on exit from and entry into the country. This law abolished the old Soviet requirement that, in order to emigrate, citizens must receive a stamp permitting "permanent residence abroad" (PMZh)—essentially a propiska for those living outside the country. The law required the Ministry of Internal Affairs, through its Office of Visas and Registration (OVIR), to establish regulations for eliminating this practice within six months of the passage of the law. However, implementation of the law (which was to go into effect early in 1997) is still incomplete. According to the International Organization for Migration (IOM), border guards continue to require a PMZh-like stamp of all emigrants, and the passport control agency OVIR continues to issue it.

Another feature of the 1996 law is the codification of the legal grounds for denying foreign travel documents to citizens who had access to state secrets. Under the new law, access to such classified material can occur only with the consent of the citizen, established in the form of a written contract that states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of five years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates who monitor arbitrary and excessive powers on the part of the Government to restrict foreign travel. There was one report that the provision was applied in a restrictive manner. According to human rights monitors, in 1999 the FSB told Raisa Isakova, a former researcher at a secret institute in Omsk, that if she did not sign compromising testimony against the Jewish Agency (an NGO that promotes emigration to Israel), her application for an exit visa to Israel would be denied. When she refused to sign, the Ministry of Foreign Affairs informed her that she was ineligible for a visa until 2003.

If a citizen had access to classified material, police and FSB clearances are necessary to receive an external passport. Persons denied travel documents on secrecy grounds can appeal the decision to an interagency commission (called the Ivanov Commission) chaired by the First Deputy Foreign Minister. The Ivanov Commission cannot rule on whether the material should or should not be classified, but it can rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. Since it was established in 1994, the Ivanov Commission has granted travel permission to approximately 90 percent of appellants.

Other grounds for denial of the right to travel abroad are military conscription or assignment to civilian alternative service (although in fact the Duma has failed to pass legislation implementing the constitutionally provided right to civilian alternative service), being under investigation for or serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application. The requirement that citizens satisfy obligations to immediate relatives, such as material support for parents, was eliminated except for court-ordered obligations such as alimony payments.

Emigrants who resettled permanently abroad have been able to visit or repatriate without hindrance. However, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside legally abroad.

The current conflict in Chechnya resulted in a large number of internally displaced persons (see Section 1.g.). International organizations estimate that the number of IDP's who left Chechnya as a result of the conflict reached a total of about 280,000 at peak. Of this total, most of the IDP's went to Ingushetiya (245,000), 6,000 were reported in Dagestan, 3,000 in North Ossetia, and 6,000 in the Republic of Georgia. A total of 20,000 Chechen IDP's were reported to have gone to other regions of the Russian Federation. Reliable information on the number and status of displaced persons within Chechnya itself was especially difficult to obtain due to heavy fighting and limited outside access to the region. At times as many as 200,000 persons were estimated by the UNHCR to be displaced within Chechnya and without access to humanitarian assistance. In addition, 6,000 Dagestani IDP's were reported displaced within Dagestan. At various points during the conflict, authorities restricted the movement of the IDP's fleeing Chechnya. According to some reports by NGO's, border guards at times permitted only ethnic Russians to cross into Ingushetiya. According to the press, some displaced persons were transported by bus back to parts of Chechnya that were under Russian Government control. Refugees at the border sometimes had to live in the open, often without access to food or water. Russian border guards and police officers on the border between Chechnya and neighboring regions—and at checkpoints within Chechnya—reportedly required Chechen refugees to pay money to pass. According to UNHCR, authorities early in the year prevented medical supplies for Chechen hospitals from entering Chechnya; however since spring they have been able to do so. Some refugees also had trouble moving about because their documents were lost, stolen, or confiscated by Russian authorities. The NGO Civic Assistance estimated in October that only 141,870 of 171,000 IDP's were able to register and thereby receive aid (see Section 1.g.). In April North Ossetia's Deputy Prime Minister stated that an estimated 15,000 South Ossetian refugees, who fled to North Ossetia from Georgia in the early 1990's to escape ethnic violence, should be sent back to the country. North Ossetian officials claim that refugees occupying sanatoria and tourist facilities have deprived the republic of millions of rubles in income.

Human rights NGO's and press organizations reported that federal and republic authorities at times pressured the IDP's to return from Ingushetiya to Chechnya. According to these reports, government officials singled out persons from Chechen towns and districts that were designated as "safe" by the Government. According to some accounts, refugee camp administrators announced that persons from these areas would no longer receive food rations. After international criticism of these actions, government officials publicly said that they would not pressure or compel refugees to return to Chechnya. At the same time, authorities consistently announced their determination to repatriate all refugees back to Chechnya as soon as possible.

The Government rarely provides first asylum. It cooperates to a limited extent with the UNHCR and the IOM. Both organizations assist the Government in developing a humane migration management system; this includes effective and fair refugee status determination procedures. As of July 31, the UNHCR had registered 40,000 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR estimates that only 11,000 of these are active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either integrated into Russian society, left the country, or have been resettled or repatriated. According to the NGO Civic Assistance, as of October, the Government had granted refugee status to only 39 petitioners.

According to UNHCR, as of October, the Government had granted refugee status to 238 petitioners this year. Of the 238, 141 were from outside the CIS countries and 97 were from the "near abroad" or other CIS countries.

According to the UNHCR, between 1993 and November 1999, the Government granted refugee status to only 491 persons from outside the former Soviet Union,

including the Baltic states; all but 17 of those individuals were from Afghanistan. By contrast, the comparable figure for former citizens of the Soviet Union apart from the Baltic states (mainly ethnic Russians) who were granted refugee status by the former Federal Migration Service (FMS) is 98,188. The Government acted more expeditiously for the latter group and applied a more lenient standard.

The UNHCR and Amnesty International were working with the FMS and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases are adjudicated. However, under government reorganization, the FMS was disbanded with its functions and responsibilities transferred to other ministries. There continues to be widespread ignorance of refugee law both on the part of officials (MVD, EMERCOM, Border guards) and would be petitioners.

According to Civic Assistance, involuntarily displaced persons and asylum seekers suffer the greatest difficulties in cities with restrictive registration regulations. Their migrant registration documents generally are not recognized by the MVD officials who control registration. They often are subject to harassment, unauthorized detention, and extortion of bribes.

A large number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remain in the country. The Government has not deported them but encourages their return home. The number of persons in Russia from these countries has increased in recent years due to the recent arrival of persons seeking refugee status.

The situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 Airport continues to be of major concern to the UNHCR. Improperly documented passengers are deported systematically, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger wants asylum, Aeroflot gives out telephone numbers for FMS and UNHCR, but these numbers are not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there are also no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers are not allowed to leave the transit zone and often are returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airline returns them to their point of departure as quickly as possible. (Airlines are fined if an undocumented passenger is admitted to Russia but not if the passenger is returned to the country of origin.) Human rights organizations allege that Aeroflot improperly deports hundreds of asylum seekers. Until 1998 the FMS Point of Immigration Control (PIC), whose officials are responsible for processing requests for refugee status, was located outside of the transit zone, where asylum seekers were unable to reach it. The PIC now has a fully equipped office inside the transit zone, which UNHCR staff are also permitted to use.

The PIC interviews almost exclusively persons referred to it by the UNHCR. According to the UNHCR, the process is neither fair or effective; as of the end of 1998, the PIC had not yet rendered any decisions in favor of asylum seekers. As of late 1998, 82 percent of asylum seekers who managed to contact the UNHCR were deported before the former FMS made a determination of refugee status. The actual number of deportees is presumed to be higher, as many asylum seekers did not have an opportunity to contact the UNHCR.

The treatment of asylum seekers in the transit zone can be harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely release passengers from the transit zone, unless there is a medical emergency.

A group of about 1,400 to 2,000 Armenian refugees evacuated from Baku in the wake of late 1980's ethnic violence still are housed in "temporary quarters", usually in Moscow hotels or workers' dormitories. They are unable to return to Azerbaijan and are not accepted by Armenia; they also lack residency permits for Moscow. They have been invited to apply for Russian citizenship, which would entitle them to the benefits accorded to Russian forced migrants, but representatives of the community have stated that they do not believe such a step would improve their situation materially. They also have rejected offers of relocation to other regions, because they allege that the alternative housing that they are offered frequently is not suitable or available. Their situation remains precarious as the formerly state-owned hotels in which many reside are privatized. A number of eviction orders already were served in such cases. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for their political beliefs or for actions (or inaction) that

are not considered a crime in the Russian Federation. However, according to press reports and the UNHCR, in December 1999 the Government deported seven North Korean refugees to China in an apparent violation of the Refugee Convention, despite promises to allow them to travel to South Korea for third country resettlement. The exact reason for the return of these refugees is unclear. The Government of China reportedly returned the seven to North Korea. Moreover, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants can be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

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 exercise this right in practice.

The Constitution also provides the President and the Prime Minister with substantial powers, which they used to dominate most areas of administration and day-to-day policy making and to limit the independence of the judicial branch. The judiciary is showing signs of limited independence in cases such as the Supreme Court acquittal of Nikitin, religious freedom cases in a number of reforms dealing with registration, and in the SORM case. Unlike its predecessor, this Duma is characterized by a strong pro-presidential center that puts a majority within reach for almost all presidential priorities. Competitive elections for various regional and local offices were held during the year, including elections for the chief executives in 44 of the country's 89 regions. Observers generally viewed the elections as free and fair. Challengers were able to defeat incumbents in almost one-third of the races for regional executive positions and losing candidates generally accepted the legitimacy of the voting results. There were problems in a number of regions relating to unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Voters generally had the opportunity to choose among all serious candidates, but a regional court in the Kursk region struck the name of incumbent Governor Aleksandr Rutsikoy from the ballot for alleged campaign law violations on the eve of the October 22 election. Many observers considered this court action to be politically motivated and arbitrary, particularly in light of similar campaign law violations allegedly committed by other incumbents, but the Supreme Court sustained the lower court decision on appeal.

A democratic election for the President took place in 1996 for the first time in the history of Russia as an independent state. Former President Yeltsin was re-elected in a generally free and fair election. After President Yeltsin's December 31, 1999, resignation, Vladimir Putin assumed the post of acting President. In March, in an election that was generally considered to be free and fair, Putin was elected President. While the opposition and the media leveled accusations of widespread election fraud, most international observers concluded that the results of the election were valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Problems with voting that did occur were due to a lack of attention to proper procedure or carelessness rather than to premeditation. Vote counting was generally transparent and absent of fraudulent intent.

In elections that were judged by international observers largely to be free and fair, a more centrist-leaning Duma was elected on December 19, 1999. Elections were conducted in all 89 of the country's regions, including 12 of the 15 districts of the Chechen Republic, where polling was suspended for the Duma elections. This election had a 69 percent voter turnout, and was the first democratic transfer of power in the country. In spite of efforts made by authorities to prepare for safe and orderly elections in the Chechen Republic, observers stated that many of the conditions associated with democratic elections could not be met.

Many observers pointed to problems with biased media coverage of the presidential election campaign. Paid political advertisements in newspapers often are disguised as legitimate news stories. Campaigns pay "under the table" for stories

favorable to their candidate, which allows them to bypass limits on campaign spending. In the final days of the presidential campaign, ORT (at that time aligned with the Presidential Administration) aired a false story reporting on a “grass-roots” initiative by a supposed group of homosexuals to support the Yabloko candidate Grigoriy Yavlinskiy. During the same period ORT aired several investigative reports about Yavlinskiy’s supposed financial links to the head of Media-Most, Vladimir Gusinskiy. During these reports, footage of Gusinskiy, who is also the president of the Russian Jewish Congress, showed the Media-Most head in Jewish settings. Critics accuse ORT of playing on anti-Semitic sentiments within Russian society to discredit Yavlinskiy.

In July the Federal Assembly passed legislation according to which regional executive and legislative leaders will appoint members of the Federation Council instead of serving in that body themselves. Also during the year the President appointed high-level presidential representatives to exercise a range of oversight and coordination responsibilities in seven newly established federal districts. He established an advisory State Council consisting of leaders of all 89 regions. The net effect of these modifications to Russia’s legislative and administrative structures for democratic development was not entirely clear at year’s end.

In March 1999, President Yeltsin signed the Law On the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the federal Law on Public Associations. These laws clarify which political public associations may participate in elections; add restrictions on preferential media coverage, donations, and financial or material support from foreign entities for campaign-related activities; introduce measures to reduce the number of noncompetitive political parties and candidates on the ballot; increase the level of information available to voters about candidates’ financial and criminal history; and introduce provisions allowing multi-candidate constituencies. Changes to the Voting Rights Act affect legislation on both the federal and regional levels of the Russian Federation. The Constitutional Court was expected to rule on Voting Rights Act provisions that pertain to holding referendums, which may compel lawmakers to reconsider the law.

There were reports of politically motivated violence and intimidation during the gubernatorial campaign in St. Petersburg. Yabloko activists reported that police and others harassed them during the campaign and prevented them from distributing campaign literature. Not long after the presidential elections in March, two Yabloko student activists, Dmitriy Barkovskiy and Konstantin Suzdal, reported an attempt by the FSB to recruit them to spy on the political party. According to press reports, the students were threatened with dismissal from Baltic State Technical University, where they studied, and with conscription to fight in Chechnya if they refused. When they refused, they were expelled from the university. Barkovskiy is currently in hiding.

Human Rights Ombudsman Mironov’s office set up a working group to monitor electoral rights violations in both the 1999 Duma elections and 2000 Presidential elections. In August 1999, Mironov called for legislation to increase the transparency of elections funding. To date no legislation has been passed.

Political parties generally are organizationally weak and rise and fall quickly. There are two exceptions “the Communist Party and the pro-Putin “Unity” Party. In December, Putin submitted draft legislation that would require parties to have 10,000 members in order to be registered, with no less than 100 members in each region. The draft law would grant political parties a partial monopoly on running candidates for legislative office, erect serious hurdles for the registration of new political parties and give the executive branch and procuracy broad powers to regulate, investigate, and even close down parties. The law is scheduled for its first review in February 2001.

On November 29, State Duma deputies approved the first reading of a bill that would allow some regional leaders to seek a third and fourth term in office. The bill would amend an existing law, passed in October 1999, that forbids heads of regions to serve more than two terms in office. The law was passed on January 31, 2001.

Women are underrepresented in government and politics. In the December 1999 elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies in the Duma elected in 1995. Only one woman, Valentina Matviyenko, serves as a Cabinet Minister.

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

Many domestic and international human rights groups operate freely. Most investigated and publicly commented on human rights problems, generally doing so without government interference or restrictions. Human rights monitors have worked

mostly unhindered by authorities in recent years; however, some local officials harassed human rights monitors (see Section 1.d.). The Government's attitude towards human rights NGO's varied. Officials such as Vladimir Kalamanov and Oleg Mironov regularly interact and cooperate with NGO's. The level of cooperation tends to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGO's monitoring prison conditions enjoy an excellent relationship with Government authorities, while those monitoring Chechnya enjoy a more tense relationship. On August 30, a uniformed militia officer and several armed masked men entered the offices of Glasnost Public Foundation, a human rights group that has been critical of official actions in Chechnya and abuses by the security services in general. Activists were planning a conference about the security services at the time of the raid. The authorities held participants on the floor at gunpoint for nearly 40 minutes while they checked documents of individuals and of the foundation. After the press learned of the incident and began to call the Glasnost offices, the security officials left without arresting anyone. Human rights activists viewed this raid as an act of intimidation on the part of authorities.

Several NGO's are headquartered in Moscow and have branches throughout the country. Some of the more prominent human rights organizations are the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Union of Soldiers' Mothers' Committees, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups are recognized by government and legislative officials for their expertise in certain fields, and such groups participate (with varying degrees of success) in the process of drafting legislation and decrees. Also, the prominent human rights organization Memorial worked with the offices of Vladimir Kalamanov, Special Presidential Representative for human rights in Chechnya, turning to Kalamanov to provide security for trips to the regions.

Various types of regionally based human rights groups are being established. Socioeconomic rights groups are the most numerous and monitor issues such as unpaid wages and benefits. There are fewer civil-political rights groups, but according to Memorial these are growing in number. These groups include "generalist" organizations that cover the range of human rights issues and "specialist" organizations that cover only one issue. Public legal centers have been formed, due to the critical lack of legal advice that is available to the general public. These centers usually are run on a part-time basis by lawyers who, while they cannot afford to offer trial counsel or actual legal work, offer advice at no cost on legal rights and recourse under the law. Resources for human rights work became even scarcer after the 1998 financial crisis, threatening the work of NGO's. Most groups rely on foreign support in the form of grants to maintain operations.

Regional groups generally receive little, if any, international support or attention. Although at times they reported that local authorities obstructed their work, criticism of the Federal Government and regional authorities usually is permitted without hindrance. The threshold appears to be criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Local human rights groups have far fewer opportunities to interact with legislators in developing legislation than their Moscow counterparts; some are excluded from the process entirely by local authorities.

Because of the risk of kidnaping and ongoing military conflict (see Sections 1.b. and 1.g.), NGO's largely withdrew from Chechnya; some still operate but on a limited basis working from Ingushetia.

The Government's human rights institutions lack independence but some of them appear to be making efforts to promote human rights. The Office of the Russian Federation Human Rights Ombudsman appears to be working actively to develop its authority and public profile. Since taking office, Ombudsman Oleg Mironov has worked on becoming an increasingly high-profile government spokesman on human rights issues, despite earlier criticism by human rights organizations due to his lack of human rights expertise. Mironov's office has grown to over 150 employees and has several specialized sections responsible for investigating complaints of human rights abuses. The effectiveness of Mironov's office in assisting individual victims cannot yet be assessed accurately. However, Mironov continues to expand the scope of his activities, attempting to promote broader compliance with international human rights standards. During the summer of 1999, Mironov established a department of human rights education within his office. The staff of six, headed by Anatoliy Azarov (a former director of the Moscow School of Human Rights), developed guidelines and materials for teaching human rights to the public. The office also established a section on religious freedom. Perhaps most importantly, Mironov's office has issued four reports detailing human rights abuses in areas ranging from

psychiatry to pretrial detention. In eight of the regions, regional human rights ombudsmen established operations in a similar manner as Mironov. In many other regions, human rights commissions were set up. However, the effectiveness of the regional ombudsmen and committees differs significantly from region to region.

The President's Human Rights Commission, now composed primarily of government officials (unlike the 1993–96 commission under Sergey Kovalev, which included a large number of human rights monitors), appeared largely inactive during the year. Some human rights groups continued to complain that the Commission's focus has changed from advocacy of human rights to defending the Government's policy and that the Commission has failed to engage well-established human rights NGO's. According to Commission chair Vladimir Kartashkin, his role is mainly consultative and investigatory, without powers of enforcement. Kartashkin receives little financial support from the Government and has a very small staff that spends most of its time responding to letters from the regions.

The country has yet to comply with the UN Commission on Human Rights (UNCHR) resolution on Chechnya provisions to facilitate visits to the region by UN special rapporteurs and special representatives of the Secretary General. The country reportedly invited only the Special Representative for Children and Armed Conflict, and Special Rapporteur for Violence against Women, but explicitly de-linked these invitations to the resolution. The country did not invite the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, or the Special Representative of the Secretary-General on Internally Displaced Persons.

Citizens can file appeals to the European Court of Human Rights (ECHR) in Strasbourg about alleged human rights violations that occurred after Russia's May 5, 1998, accession to the Council of Europe. Complainants need no longer exhaust all appeals in Russian courts before they can turn to the European Court. According to the press, the ECHR received 914 complaints from Russia, 60 of which are based on human rights violations in Chechnya. However, because the Government refused so far to respond to the initial complaints accepted by the ECHR (a procedural requirement), no cases have yet been heard.

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

The Constitution prohibits discrimination based on race, sex, religion, language, social status, or other circumstances. However, both official and societal discrimination still exist.

Women.—Domestic violence remains a major problem, since victims rarely have recourse to protection from the authorities. Police frequently are reluctant or unwilling to involve themselves in what they see as purely domestic disputes. Many women are deterred from reporting such crimes because of this and because the housing system makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. The underlying problem is that much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem or do not believe it to be an area for concern outside the family. No reliable statistics exist to evaluate the true extent of the problem. There is a general lack of understanding of these problems in the legal community, and there is no legal definition of domestic violence. Some forms of battering are addressed in the new Criminal Code but are defined too narrowly to apply to most cases. There is also no national political will to consider these problems seriously. More than four dozen versions of a national civil law to address domestic violence have failed to make any progress in the Duma. Women's NGO monitor Yelena Yershova has pointed out that law enforcement authorities distinguish between crimes committed outside the home and "acts of violence" committed at home. In the latter case, such acts often are not treated as crimes, but rather as a domestic affair. In the first six months of the year, 4,787 persons were convicted of rape.

There are no current statistics on the reported rape or attempted rape of women. The Ministry of Interior states that in 1998 there were 9,014 cases of rape and attempted rape reported. In 1998 a HRW Europe researcher estimated that only 5 to 10 percent of rapes are reported to police. HRW further reported that Yekaterina Lakhova, former President Yeltsin's then-adviser on women's issues, estimated in 1997 that 14,000 women are killed by husbands or family members each year. However, HRW notes that these statistics underestimate the extent of the problem, due to underreporting of these crimes by victims. In 1996 the MVD estimated that 80 percent of violent crimes occurred in the home.

Hospitals and members of the medical profession provide assistance to women who have been assaulted. However, some doctors are reluctant to ascertain the de-

tails of a sexual assault, fearing that they may be required to spend long periods in court.

Trafficking of women for sexual exploitation is a very serious problem, particularly because of lack of adequate employment opportunities. Reliable statistics on the number of women involved are difficult to obtain (see Sections 6.c. and 6.f.).

Despite serious problems and difficulties in addressing these problems, many effective projects are underway. Approximately 40 crisis centers for women are in operation throughout the country, and their number continues to grow. The crisis centers formed an association in order to coordinate their efforts better, and they chose Marina Pisklakova, the Director of the crisis center ANNA, as President. The association held its first national conference September 1999, in Moscow. Since the conference, ANNA has been working with the Ministry of Interior to organize a class to educate police on domestic violence. Nongovernmental work in this area is recognized and supported by several government entities.

Women report sexual harassment in the workplace, and anecdotal information suggests that many potential employers seek female employees who are receptive to sexual relations. The phrase, "without complexes," is used occasionally in job advertisements. Some firms ask applicants for employment to complete a form including the abbreviation "VBO," a Russian abbreviation for "possibility of close relations," to which the applicant is expected to reply "yes" or "no." There is no law in the legal code that prosecutes sexual harassment.

Credible evidence suggests that women encounter considerable discrimination in employment. NGOs continue to accuse the Government of participating in discriminatory actions against women, contending that the Government seldom enforces employment laws concerning women. Article 19 of the Constitution states that men and women have equal rights and opportunities to pursue those rights. In addition Article 2 of the labor code prohibits discrimination, further stating that every person has the right for equal pay for equal work. Employers prefer to hire men, thereby saving on maternity and child-care costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. The problem of age-based discrimination is very relevant to women. Employers try to avoid the requirement of a three year paid maternity leave for childcare. Women continue to report cases in which they are paid less for the same work that male colleagues perform. There has been no recent substantial research in this area, so exact figures are difficult to ascertain.

Job advertisements often specify sex and age groups, and sometimes physical appearance as well. Women's average incomes generally are estimated to be significantly below average male incomes. Professions dominated by women are much lower paid than those dominated by men. Moscow human resources managers privately admit that discrimination against women in hiring is common. Unemployment, at 10.2 percent of the workforce, also disproportionately affects women.

In July 1999, Ingush president Ruslan Aushev issued a decree permitting men in the republic to have up to four wives. According to Aushev, the decision came in response to the republic's demographic situation, and he appealed to the Duma to make the necessary changes in the family code; the law was ruled unconstitutional.

Children.—The Constitution assigns the Government some responsibility for safeguarding the rights of children. The State endeavors to provide, within its limited means, for the welfare of children. While federal law provides for education for all children in the country, regional authorities frequently deny access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration (see Section 2.d.).

The educational system includes both private and public institutions. Children have the right to free education until the 11th grade (approximately 17 years old). Students are obligated to stay in school until the 9th grade. Boys and girls are treated equally in the school system. Health care for children is legally free, although the quality varies and individuals incur significant out of pocket expenses.

A Family Code regulating children's rights and marriage and divorce issues came into effect in 1996; however, implementation of the code has been slow. Many Moscow charitable organizations established productive relations with the city government to address the needs of disabled children, as well as other vulnerable groups.

The position of many children deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. According to press reports, 40 percent of all children live below the poverty line. Children on the street often become dependent on illegal narcotics. To combat the growing number of children being abducted, police organizations are establishing programs to protect children.

Figures for homeless children are unreliable at best. Nationwide they range from 1 to 4 million. Oleg Zykov, head of the No to Alcoholism and Drug Abuse Founda-

tion, estimates that there are about 15,000 street children in Moscow alone. The St. Petersburg NGO Perspektiva estimate that about 3,000 children are actively involved in street life there and that 500 to 600 of these actually live on the streets. Many of these children have come from the regions, only to be sent back to where they came from by city police. One shelter director complained that young girls from Chechnya also were returned there, despite the danger to them. Homeless children often engage in criminal activities, receive no education, and are vulnerable to drug and alcohol abuse. Some young girls who find themselves on the street turn to prostitution in order to survive (see Section 6.f.).

An estimated 50,000 children run away from their homes each year. The main reasons children run away appear to be family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year are brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stay in COVINA for no more than 30 days. During this period, the child's guardian is located and his or her case is investigated. However, in 90 to 95 percent of these cases, the police simply return the child to the family or to the institution from which the child ran away. Many officials consider domestic problems as private and prefer not to interfere.

In St. Petersburg local and international NGO's provide a variety of services for the homeless. In particular Perspektiva: Medecins du Monde (MDM) supports homeless children with a "social hotel" and a medical/social consultation center that provides medical help, vaccines, and referrals to hospitals and orphanages. Perspektiva also organizes specialized training seminars for medical and social professionals and city officials engaged in work with homeless youth.

As the former Soviet Union opened to the international community, attention focused on the status of orphans and the disabled, who were removed from mainstream society and isolated in state institutions. A complex and cumbersome system was developed to manage their life-long institutionalization. Three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Rather than focus on the needs of the child, the system revolves around the institution itself. Child welfare is easily lost within the bureaucracy; little clear recourse exists in instances of abuse by the system. Human rights groups allege that children in state institutions are provided for poorly (often because funds are lacking) and in some cases are abused physically by staff.

While there are no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups have compiled important information. Many NGO's including Human Rights Watch and Mental Disability Rights International, have called for reform to the child protection system. Several approaches have been proposed to reform the orphanage and have been implemented by regional governments with the help of international donors.

A 1997 report by the Ministry of Labor and Social Development, which is cited often, indicate that there are approximately 600,000 children registered as orphans. Of these children, 10 percent are orphans with no parents and 90 percent are "social orphans," who have at least one living parent who has given up the child to the State for a variety of reasons. Between 1993 and 1997, the number of registered orphans increased by 30 percent and the number residing in institutions by 35 percent. Concurrently, the number of children in foster families increased by 46 percent (most children are related to the members of their foster families). However, the number adopted has remained fairly consistent, with an overall increase of only 2 percent.

Although comprehensive statistics are not available, the prospects of children/orphans who are disabled physically or mentally are extremely bleak. The label of "imbecile" or idiot, which signifies "uneducable," is almost always irrevocable. The most likely future is a lifetime in state institutions. Even the label of "debil," or lightly retarded, follows a person throughout his or her life on official documents, creating barriers to employment and housing after graduation from state institutions. One study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that on graduation from a state institution for the lightly retarded at age 18, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. Even for those orphans classified as "normal," life after institutionalization poses serious problems, as they may lack the necessary social, educational, and vocational skills to function in society.

The existing system provides little oversight and no formal recourse for orphans who have been misdiagnosed as mentally ill or retarded, abused, or neglected. Facilities to which such children are remanded frequently use unprescribed narcotics to keep children under control. Boris Altshuler of the Rights of the Child Program

has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification. Since 1998 the Ministry of Labor and Social Development has been working with the U.N. Children's Fund on a pilot program to establish regional children's rights ombudsmen. According to the Ministry and the Rights of the Child NGO, there are now ombudsmen in the cities of Yekaterinburg and St. Petersburg and in the regions of Novgorod, Kaluga, and Volgograd, and there are plans to establish new ombudsmen in two other regions. Ombudsmen can only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Trafficking in children and young girls is a problem (see Sections 6.c. and 6.f.). Conditions for children in prisons and pretrial detention are a problem (see Sections 1.c. and 1.d.)

People with Disabilities.—The Constitution does not address directly the issue of discrimination against disabled persons. Although laws exist that prohibit discrimination, the Government has not enforced them. The meager resources that the Government can devote to assisting disabled persons are provided to veterans of World War II and other conflicts. Special institutions exist for children with various disabilities, but do not serve their needs adequately. The Government does not mandate special access to buildings for the disabled. The NGO, Society for the Defense of Invalids, is working to broaden public awareness and understanding of problems concerning the disabled.

A 1995 law requires that firms with over 30 employees to either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for the disabled. The law also removed language defining an "invalid" as a person unable to work. However, the Government has not implemented this law. Some persons with disabilities find work within factories run by the All-Russian Society for the Disabled, but the majority are unable to find work and frequently are discouraged from working, forced to subsist on social benefits.

The December 1998 Human Rights Watch report "Abandoned to the State," documented the conditions which persist in many orphanages, including in special state orphanages for the disabled. Being disabled is still a serious social stigma in the country, an attitude that profoundly influences how institutionalized children are treated. Many physically or mentally disabled children are considered ineducable, even those with only minor birth defects. According to the report, many disabled children are confined to beds around the clock or to rooms that are lit, heated, and furnished inadequately. The children are given only minimal care by low-paid unskilled workers with no training in the care of the disabled.

Indigenous People.—Until its abolition by presidential decree on September 22, 1998, the Moscow-based State Committee for the Development of the North was charged with representing and advocating the interests of indigenous people. With only a small staff, its influence was limited. The Committee's functions were transferred to the new Ministry for Regional Affairs and Nationalities, which is directed by presidential decree to take "into account the need for singling out the most important issues of northern territories" as one of its priorities. A 1999 bill, signed into law by President Yeltsin, on indigenous ethnic communities, provides them with support, permitting the creation of self-government bodies, and permitting them to seek compensation if economic development threatens their lands. In some areas local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia; the Tatar and Bashkiri in the Urals; the people of the North, including the Enver, Tatarli, and Chukchi; and others work actively to preserve and defend their cultures, as well as the economic resources of their regions. In this context, some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Most believe that they are treated equally with ethnic Russians, although some groups believe that they are not represented or are underrepresented in regional governments. The principal problems for indigenous people center on distribution of necessary supplies and services, particularly in the winter months for those who live in the far north.

Religious Minorities.—Incidents of societal violence apparently based on religious belief decreased this year. Nevertheless, some serious incidents were recorded. On August 20, a group of extremists in Volgograd accosted a group of Mormons, beat four Russian members and threatened foreign missionaries. The same day, the same group similarly attacked Jehovah's Witnesses in Volgograd, beating a minister with a "Cossack" whip. Members of the victimized groups have accused the authorities of being slow to investigate these incidents and make arrests. To date there has been no prosecution in the Volgograd incidents despite the fact that the identity of

at least one of the accused perpetrators is known to authorities. On September 17, a group of extremists burst into a school in Ryazan where Jewish classes were being held and smashed windows, furniture, and an art exhibit made by the children, shouting death threats at the teachers present. Subsequent to the attack, the extremists left slogans on the school threatening to return and kill all the Jews. Police and local administration officials initially appeared to dismiss the case. Only after international and Moscow media began to probe the case did the authorities announce that four suspects were identified and would be charged with "hooliganism." As of October, local officials reported that they had identified and detained one suspect, but that he had inexplicably disappeared. An editor of the local newspaper *Vecherni-Ryazan* was threatened with dismissal for publishing an article related to the incident. There have been no developments in solving the bombings of two Moscow synagogues in May 1999 and in July 1999.

As foreign or so-called nontraditional religions in the country continue to grow, many Russians continue to feel hostility toward these "foreign sects," perhaps influenced by negative reports in the mass media and public criticism by Russian Orthodox Church officials and other influential figures. These sentiments appear to have sparked occasional harassment and even physical attacks.

During the Jubilee Bishops' Conference of the Russian Orthodox Church, August 13–16, the Church issued a document entitled "Fundamental Principles of the Russian Orthodox Church's Relations with Other Faiths." In the document the Church identifies denominations such as the Jehovah's Witnesses and Mormons as proselytizing "cults" whose operations on the "canonical" territory of Russia must be stopped. According to the document, the mission of other "traditional" confessions is possible only under the condition that they refrain from proselytizing or tempt the faithful away from the Church with material goods. Occasionally opposition to the dissemination of information came from religious groups. From time to time the Russian Orthodox Church has criticized the press for what it called "anti-church publications," but stopped short of imposing any church sanctions against particular authors or editors. However, the Church appealed to authors of what it considered inaccurate accounts of church history to "realize the sinfulness of their evil deeds."

Minority religious groups frequently complain of discriminatory stories in the media. Newspapers have published sensational or biased articles criticizing both traditional and nontraditional religious minorities. In October Russian Muslim groups complained of biased portrayal of Russian Muslims in a Russian State Television documentary entitled "Half Moon in the Caucasus." The documentary, Muslims claim, exaggerated the influence of radicals and implied that all Muslims were working to support the Chechen separatists.

Following large-scale emigration over the last two decades, between 600,000 and 700,000 Jews remain in the country (0.5 percent of the total population). While Jewish emigration rates are significantly lower than during the Soviet period, the number of Jews emigrating to Israel for economic and other reasons increased approximately 70 percent from January 1998 to January 1999. The vast majority of Jews—80 percent—live in Moscow or St. Petersburg. Jews continue to encounter societal discrimination, and government authorities were criticized for insufficient action to counter it.

Several reports of acts of intimidation were linked to anti-Semitic groups or motives during the year. Anti-Semitic leaflets, graffiti, and articles continued to appear in some regions, such as St. Petersburg, Ryazan, and Krasnodar. On September 7, an anti-Semitic article appeared on the pages of the prominent daily *Nezavisimaya Gazeta*, reportedly authored by Kremlin official Aleksandr Ignatov. In the article, Ignatov refers to a "Chasidic para-Masonic" group standing behind "world government" and globalization. Ministry of Foreign Affairs officials reported in October that no one by that name was employed in the Presidential administration and that an internal investigation was under way (see Section 2.c.). The attack in Ryazan on a Jewish School was one of the first incidents of its kind during the year. The attack was followed by the publication of an extremely anti-Semitic article in the *Vecherniy Ryazan*, a local newspaper, accusing the local Jewish organization of orchestrating the attack to gain publicity and foreign financial support. A Jewish cemetery in Nizhniy Novgorod was vandalized in July. Police apprehended the juvenile offenders within 2 weeks, earning support from the local Jewish community, and received a reward from FEOR. On September 29, an orthodox Jew associated with the Moscow Choral Synagogue was attacked by a group of "skin heads". Similar attacks have occurred on Africans and African-Americans in Moscow and other cities.

The ultranationalist and anti-Semitic Russian National Unity (RNE) paramilitary organization, formerly led by Aleksandr Barkashov, appeared to have splintered and lost some of its support in the regions. The group ousted Barkashov in September,

and several of its affiliates split off from the organization, unhappy with the current leadership. The RNE claims a membership of 100,000 in 64 federation chapters, but press reports estimate its membership at 12,000, and it is registered officially in 22 regions. According to various pollsters, the radical movement appears to have won some degree of national name recognition and may enjoy the support of up to 3 percent of the population. According to press accounts, the RNE managed to get a representative elected to the local administration in Saratov. In Borovichi the RNE and another local Fascist group, Mertvaya Voda, were active, according to local Jewish leaders, and desecrated Jewish graves, mailed death threats to Jews, and displayed anti-Semitic posters. The local Borovichi Duma passed a decree in December 1998 prohibiting RNE activities and the distribution of its propaganda, and in March 1999 city and law enforcement officials formed a commission to counteract the RNE's activities and propaganda. In April 1999, officials from the Borovichi city administration invited the Harold Light Center, a Jewish NGO, to present a 2-day seminar on combating anti-Semitism and extremism. In August, a group of city and regional officials traveled to San Francisco to meet with law enforcement officials dealing with hate crimes, and in October the San Francisco officials traveled to Russia and participated in a hate-crimes seminar with their Russian colleagues.

Jewish NGO's claimed that anti-Semitic themes figured on the eve of the presidential elections, citing ORT's airing of a report showing opposition figure Grigoriy Yavlinskiy supported by Jewish leader Vladimir Gusinskiy, wearing a yarmulke and participating in a meeting with Jewish leaders (Rabbis included) in a cynical attempt to discredit Yavlinskiy among those who would find the association troublesome.

A prominent public figure who regularly used anti-Semitic remarks was former Krasnodar region governor Nikolay Kondratenko (see Section 2.c.).

National/Racial/Ethnic Minorities.—In July 1998, the presidential Human Rights Commission issued an official statement noting that “the increase in the threat of fascism” was “taking on visible and ominous features,” and that incitement of national, racial, and religious enmity was “taking on an increasingly organized nature.” It noted the increasing number of extremist groups that advocated racial supremacy and “national xenophobia” and commented that such groups were moving with increasing frequency from combat training (under the guise of sports training) to “acts of direct terror, hoodlum attacks on persons of ‘unwelcome’ nationality, the desecration of cemeteries, and explosions of monuments.” The statement followed a number of wellpublicized incidents that spring, including several racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, inspired by racial hatred, and carried out by private individuals or small groups, some of whom were known to local law enforcement authorities for their racial intolerance or criminal records. In December, an African-American student was beaten on a tram in Moscow.

Roma and persons from the Caucasus and Central Asia face widespread societal discrimination, which often is reflected in official attitudes and actions. Police reportedly beat, harassed, and solicited bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Discrimination against persons from the Caucasus and Central Asia also increased concurrently with new measures at both the federal and local levels to combat crime. Law enforcement authorities targeted persons with dark complexions for harassment, arrest, and deportation from urban centers, particularly after the August 1999 bombing in Moscow. In Moscow such persons are subjected to far more frequent document checks than others and frequently are detained or fined in excess of permissible penalties, often without formal documents recording the infraction being drawn up and presented by police.

During the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by “skinheads” and members of other racist and extremist groups. Arrests seldom are made in most such attacks, many of which have been reported by human rights organizations. Many victims, particularly refugees who lack residence documents recognized by the police, choose not to report such attacks or report indifference on the part of police. On October 21, a group of “skinheads” in Moscow attacked Vietnamese residents in front of their dormitory. When Vietnamese residents poured out of the dormitory to assist in fending off the attackers, police intervened to protect the “skinheads.” No arrests were made.

The Government reported that in 1998 authorities investigated 25 criminal cases on charges of incitement to national, racial or religious hatred. In July 1999, 10 cases were opened, and courts have ruled on 9 of them. Chechen IDP's and the Civic Assistance Committee for migrants reported that Chechens face great difficulty in

finding lodging in Moscow and frequently are forced to pay at least twice the usual rent for an apartment.

In February 1999, the republican legislature in Bashkortostan passed a law naming Bashkiri and Russian as its two official languages, but excluded Tatar. There are more Tatars than Bashkir in the republic, and Tatars constitute 30 percent of the republic's population. The legislature of the republic of Tatarstan appealed to the Bashkortostan legislature to include the language, but the appeal was rejected. On January 21, some 20 Tatars protested a draft version of the language law outside the republican legislature, and authorities arrested 7 of the protesters. The law still remains in effect.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join trade unions, but practical limitations on the exercise of this right continue to arise from governmental policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR), the successor organization to the Communist trade unions. Approximately 55 percent of the work force is unionized (of an estimated 72.4 million workers), and approximately 4 percent of union members belong to independent unions. However, there is no authoritative data on union membership, because there was no mandatory reregistration of union members following the Soviet era, during which all workers were registered as trade union members. Union membership overall has fallen as a result of economic restructuring, including the closing of some enterprises and a resistance by some foreign companies to trade union activities.

The FNPR claims that some 80 percent of all workers belong to the FNPR, although International Labor Organization (ILO) representatives state that 60 percent is a more accurate estimate. The FNPR thus largely dominates the union movement and provides a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its predecessors, including office and recreational property. The majority of its income comes from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently include management as part of the bargaining unit or elect management as delegates to its congresses. The FNPR and other trade union federations act independently on the national political level, but FNPR unions sometimes are affiliated closely with local political structures. Political parties often act in parallel with unions, for example, in calling for a national day of protest.

Benefits of membership presently vary depending on union affiliation and generally discourage the formation of new unions. These benefits are largely financed by the Social Insurance Fund. As the largest group of trade unions, FNPR enjoys a privileged position with regard to the distribution of state funds at the municipal, oblast, and federal levels. It routinely decides who receives benefits, such as child subsidies and vacations, based on the politics or affiliation of union members. However, the new tax code, effective January 1, 2001, will include a single social tax and essentially end trade union control over the distribution of social benefits at the federal level. FNPR sees this as a threat to its dominant role. Other trade unions worry that a consolidation of social security assets in the federal budget and an additional layer of bureaucracy in the distribution of benefits will lead to reduced benefits for workers and the public in general.

The number of court decisions supporting the right of association and ruling in favor of employees increased during the year. However, the enforcement of these court decisions remains a problem. Moreover, most workers do not understand or have faith in the legal structure, fear possible retaliation, and thus are reluctant to bring cases to court. For example, the Association of Flight Personnel at Vnukovo Airport (an independent union) won an out-of-court dispute over unpaid monthly bonuses in December 1998. Members of the union, who numbered 100 at the time, subsequently found themselves excluded from the list of payees. The only reason appeared to be their union membership, as those who quit the union immediately received bonuses. In January 1999, the union filed a lawsuit. After several postponements, management agreed in March to pay the remaining 10 members bonuses owed since December 1998.

Management and FNPR local unions often work together to discourage the establishment of new unions. In August 1999, management at the Alit Factory and the Sverdlovsk Oblast FNPR leadership convened a "trade union conference" where a newly elected chairman of a local construction workers' union was dismissed from her position. The chairman filed a case in the municipal court, claiming that management and the oblast committee of FNPR were not authorized to convene a local union's conference and that conference participants were not even members of the local union. The municipal court refused to hear the case. The chairman appealed

the decision to the Oblast Court, which ruled in her favor. The case has been sent back to the lower court for review.

In accordance with the federal Law on Public Organizations, all civic organizations founded before 1994 were required to reregister with the Ministry of Justice by July. The registration procedure for NGO's requires that the local departments of justice check all articles of charter documents for compliance with existing laws. However, the registration procedures for unions are governed by the Law on Trade Unions, which specifies that registration requires a simple "notification" and submission of documents. Departments of Justice throughout Russia have ignored the procedures set out by this law and continually refused to register new unions by requiring changes in charter documents or confirmation of attendance at founding conferences. In one case in Sverdlovsk Oblast, the local Department of Justice demanded that founders of a trade union sign again the founding documents in the presence of a Justice Department official, a procedure not required in any law. Such practices have prevented the registration of new unions or the reregistration of existing ones.

Department of Justice officials extended their authority far beyond the letter of the law and in some cases canceled the registration of unions. In 1997 the Sverdlovsk Court of Arbitration canceled the registration of a local union of utility workers at management's request. The Supreme Arbitration Court in June cancelled the initial ruling and sent the case back to the lower court for review. Recovery of registration will allow the union to again become a legal entity and reinstate its chairman, who had been illegally fired. In March the leader of a union of ambulance drivers in Nizhniy Tagil received a warning from the local procurator's office, demanding that she stop interfering with the work of her ambulance depot. The municipal court ruled that the leader be fined. The leader appealed the case, and the Sverdlovsk Oblast Court ruled in her favor in May. In the opinion of independent lawyers, these actions contradict the laws governing union registration and are a direct and illegal attempt to discourage labor activism.

Court rulings have established the principle that nonpayment of wages—still by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on the nonpayment of wages is not recognized as a strike, and individuals are not protected by the labor law's protection against being fired while on strike. Prior to 1999, collective actions on this issue were considered strikes if they concerned violations of a collective bargaining agreement that specified the time frame for wage payments.

The right to strike is difficult to exercise. Most strikes are considered technically illegal, because the procedures for disputes are exceedingly complex and require coordination of information from both sides, even before courts are involved. Strikes may be reviewed by a civil court to establish their legality. The Russian Law on Resolution of Collective Labor Disputes specifies that if a strike could affect the safety or health of citizens, then a minimum level of essential services must be provided. Under such a definition, it is difficult to exclude any public sector employees. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement is reached—which is often the case, the local executive authority simply decrees the minimal services. The local executive authority also often sets the minimal level of essential services at roughly the same level as the average work load. Moreover, the civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes are organized by strike committees, rather than unions. Reprisals for strikes are also common, although strictly prohibited by law. In August 1998, workers at St. Petersburg's Oktyabrskaya Railroad declared a strike over nonpayment of wages, management's refusal to conduct collective bargaining with the local union, and noncompliance with health and safety standards. Strike participants were sent on forced leave with reduced pay. Management claimed there was no work for them at the depot. The workers filed cases against management, but the local court ruled against them in April. All participants in the strike have been subject to transfer to "idle time" due to low ticket sales.

In 1995 transportation unions complained that because transportation can be considered an essential service that must be provided under law, their right to strike is denied. The Constitutional Court agreed and found that banning industry-wide strikes was unconstitutional and that each needs to be considered on a case-by-case basis. However, a subsequent 1995 federal Law on Railways banned railway strikes in contradiction to the Constitution. After successful negotiations with the air traffic controllers' union to avoid a strike, the Government drafted a regulation that became law in 1999 to ban all strikes in the air traffic sector. In addition to the rail-

way and air traffic sector, strikes are banned by workers at nuclear power stations and by members of the military, militia, government agencies, and disaster assistance organizations.

Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. In January the death of a youth in Polevskoy allegedly was due to the trade union activism of his parent who was a leader of the regional trade union center. The leader had received threats to her job and family after filing cases against the local prosecutor's office, municipal court, and police concerning misuse of funds. The leader subsequently left her position. There were no further developments in the investigation of the son's death by year's end.

According to an International Labor Organization report, on January 27, 1999, unknown assailants murdered Gennadiy Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union at the entrance to his apartment. Earlier that month, Borisov and other labor activists began picketing the airline headquarters to protest their not being paid for 4 months. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares. To date, there have been no significant developments in this case, and it reportedly is still open.

There were no prolonged strikes during the year. According to official statistics, wage arrears in the first half of the year fell by over 80 percent in real terms when compared with the same period in 1998. Nonpayment of wages, which had motivated strikes in previous years, grew less prevalent. The number of strikes fell by 25 percent in 1999 and continued to fall this year. Unions may freely form federations and affiliate with international bodies.

b. The Right to Bargain Collectively.—The law provides for the right of collective bargaining, but this right is not always protected. The law requires employers to respond to a trade union's initiative and negotiate with the union, but no time limit is specified. Moreover, the law does not require management to sign the agreement, even after both sides have signed protocols approving a draft text. As a result, the right to conclude a collective agreement is often not protected. Employers often ignore the requirement to negotiate and refuse to come to the bargaining table or refuse to provide financial information demanded by trade unions. In the past, employers have successfully refused to negotiate collective bargaining agreements, particularly for unions not affiliated with the FNPR. However, some progress has been made in this area. In December 1999, the trade union of employees of the State TV and Radio Company filed suit against management because of the latter's refusal to enter into collective bargaining negotiations. Management demanded that the union prove it was authorized to participate in collective bargaining, which it did twice. The court ruled that management should start negotiating a collective bargaining agreement. Management appealed the ruling, but the higher court left the decision unchanged—a significant victory for the trade union.

An estimated 14 percent of enterprises have officially registered collective bargaining agreements. (FNPR claims that approximately 80 percent of its enterprises have such agreements.) It is not obligatory to register collective agreements, and it is very likely that there are far more collective agreements than those actually registered. However, a gap in the law, which fails to establish the employer's legal identity, often makes collective agreements ineffective. A lack of clear identification under the Law of the Employer has made nonbinding tripartite tariff agreements (with labor, management, and government participation) nonbinding at the municipal, regional, national, and industrial levels and has brought their legal validity into question. Even after an agreement is signed, employers often claim that the "employer representative" was not authorized to represent the factory involved.

In December the Duma was scheduled to consider two draft versions of a new Labor Code. The Government proposed the first in 1999, while prounion deputies in the Duma support the second. The government draft seeks to increase labor mobility and reduce the so-called gray economy. However, trade unionists view the government draft as antiunion and fear that it will undercut collective bargaining because of its emphasis on individual labor agreements, provision for entities other than unions to represent workers, and restrictions of collective bargaining to legal entities that essentially eliminate local trade union representation. The prounion draft strengthens trade union rights and guarantees for workers, including repayment of delayed wages with interest and employees' right to stop working if payment is delayed more than 10 days.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the existing Labor Code and are the same as in other parts of the country.

c. Prohibition of Forced or Compulsory Labor.—The Labor Code prohibits forced or compulsory labor by adults and children; however, there were some reports of its

use relative to adults. Officers have reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. Women are trafficked from the country for the purpose of forced prostitution (see Sections 5 and 6.f.). There were no reports of forced or bonded labor by children.

According to credible media reports, significant numbers of foreign workers from countries of the former Soviet Union are forced to work without pay because their passports are held by firms that brought them into the country. Similar reports describe North Koreans brought in to work in the construction and timber industries in the Russian Far East, with salaries remitted to their Government.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work. Children may, under certain specific conditions and with parental approval, work in apprenticeship or internship programs at the ages of 14 and 15. Such programs may not pose any threat to the health or welfare of children. The Ministries of Labor and the Interior are responsible for child labor issues. Local police authorities are responsible for conducting inspections of entities suspected of violating child labor laws; however, investigations are entirely complaint-driven.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevent widespread abuse of child labor legislation. However, the transition from a planned to a market economy has brought with it drastic economic, political, and social changes. An increase in the number of children working and living on the streets is largely the result of deterioration in the social service infrastructure, including access to education and health care. In some cases, economic hardship has undermined traditions and social customs, and eroded the protection families traditionally provided to children. Homeless children are especially at risk for exploitation in prostitution or criminal activities. Children often are used by their parents to lend credence to their poverty when begging.

The Government prohibits forced and bonded labor by children; however, some girls were trafficked abroad for the purpose of forced prostitution (see Section 6.f.).

e. Acceptable Conditions of Work.—The monthly minimum wage of \$4.70 (132 rubles) remains well below the official subsistence level of \$35 (1,234 rubles) per month and is insufficient to provide a decent standard of living for a worker and family. Approximately 37 percent of the population have incomes below this survival minimum, compared with 38 percent in 1999. Most workers receive several times the monthly minimum, and the minimum wage is essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits. It is not a number used for real salaries. Enterprises often use this number to avoid taxation by reporting the number of employees paid at the minimum wage instead of reporting actual salaries. According to Ministry of Labor statistics, unreported wages currently account for about 12 percent of the gross domestic product. Legally paid wages account only about 36 percent of the total income of citizens. In addition, much of the population continues to reside in low-rent or subsidized housing and receives various social services from enterprises or municipalities. Dependence on such subsidies, in conjunction with the residency registration system—illegal but widely practiced—generally prevents relocation to find work.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period. The law requires premium pay for overtime work or work on holidays. Workers have complained of being required to work well beyond the normal week, that is 10- to 12-hour days, of abrogations of negotiated labor agreements, and of forced transfers.

Despite a steady decline since the 1998 crisis, the nonpayment of wages continues to be the most widespread abuse of the Labor Code, especially for workers in the education, medicine, and coal sectors. While the overall problem of nonpayment of wages appeared to diminish greatly, total wage arrears at the end of November remained high and equaled over \$1 billion (36.8 billion rubles). While some enterprises still force their employees to take wages in barter, the practice is much less prevalent than in the period before or immediately after the 1998 financial crisis. The International Confederation of Trade Unions (ICFTU) contends that the total bill of wage arrears is now more than \$15 billion.

An increasing number of workers owed back wages seek relief through the court system, but the process is lengthy. Courts often are willing to rule in favor of employees, but the collection of back wages remains difficult. Courts often insist that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insist-

ence also makes the process lengthier and more difficult for the affected workers and exposes them to possible retaliation. It is widespread practice to remove the names of workers who win judgments for back wages, but have not yet received the wages, from the list of those who can buy food on credit from the company store.

Labor mobility continues to be a problem. For various reasons, many workers are not able to move to other areas of the country in search of work. Many are constrained economically because their savings were destroyed by the rampant inflation of the early 1990's and the nonpayment of wages. Their freedom to move in search of new employment is limited further by the system of residency permits. Other workers effectively are tied to enterprises that can give them only credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturn the enterprises' decisions to lay off workers who are not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibit the movement of workers. By decriminalizing the nonpayment of wages and by maintaining the system of residency permits, the Government has restricted even further the mobility of labor.

The law establishes minimal conditions for workplace safety and worker health, but these standards often are not enforced. Workers wear little protective equipment in factories, enterprises store hazardous materials in open areas, and smoking is permitted near containers of flammable substances. Funds remain limited for safety and health in the workplace.

The Labor Code guarantees workers the right to remove themselves from hazardous or life-threatening work situations without endangering their continued employment and entitlements to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions. However, the pressure for survival often displaces concern for safety. There continue to be reported cases of miners removing the supports from mineshafts and selling them for scrap metal. Doctors and nurses have been known to sell health and safety equipment at hospitals to patients' families in order to supplement salaries that often remain below the minimum subsistence level.

The risk of industrial accidents or death for workers remains high, although reliable recent statistics on accident and death rates at the workplace are not available. After repeated requests went unanswered, members of a St. Petersburg local locomotive engineers' union this year sued management to obtain information on health and safety risks associated with their work and measures taken to address these problems. The workers based their case on a federal law that grants employees the right to obtain information on their working conditions and occupational hazards. Hearing of the case has been postponed.

f. Trafficking in Persons.—Trafficking in women and young girls is a problem, but there are no reliable estimates of its scope. There is no special legislation nor has the Government established special task forces on the issue. However, there are several articles of the Criminal Code that relate to trafficking of persons. For example, Article 322, the principal legal statute against trafficking in persons, provides for punishment of up to 5 years' imprisonment for unlawful violation of Russian borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence." Crossing the country's borders without required documentation is punishable by a fine or imprisonment of up to 2 years. Regarding trafficking of women, Article 133 prohibits forcing a person into sexual activity; Article 240 prohibits drawing a person into prostitution by force or threat of force, and Article 241 prohibits the organization and maintenance of a house of prostitution. Prostitution itself is not illegal in the country.

Russia is a country of origin for trafficking in persons, especially in the trafficking of women. However, the authorities often dispute the extent to which trafficking occurs, and who believe that estimates are based on too little information. The difficulty is that law enforcement bodies consider that most of the illegal activity takes place outside its borders and therefore is not within their jurisdiction. The country also serves as a transit and destination country for a large portion of women trafficked from the New Independent States to Western Europe. There are reports that women from Tajikistan are trafficked to Russia. Women reportedly are trafficked to European Union countries, the Middle East, Asia, and the United States. Reportedly women also are trafficked within the country. Women (most often young girls) usually are transferred from provincial areas to Moscow and St. Petersburg.

Due to a continuing lack of adequate employment opportunities, a significant number of women are victims of international trafficking for sexual exploitation. Re-

liable statistics on the number of women involved are difficult to obtain. NGO's allege that Russian organized crime increasingly is involved in trafficking in women and children, but reliable data are not available. Women often respond to advertisements promising well-paying jobs abroad, where they are forced into prostitution. A comprehensive 2-year study of trafficking in the former Soviet Union, completed in 1997 by the Global Survival Network, an international NGO, remains one of the few sources of information on the scope of this problem. The study concluded that most women who are trafficked are unwitting participants who respond to advertisements while searching for legitimate work. Some government officials and law enforcement agencies acknowledge that a trafficking problem exists. However, the belief that women are aware of the risks involved is still pervasive. According to data from the Ministry of Internal Affairs, more than half of the women engaged in prostitution abroad learned about the nature of their future occupation before leaving the country. NGO's contend that women are more often told they are would be hostesses, exotic dancers, hotel workers, models, etc. They further claim that even those who agreed to be sex workers did not agree to the kinds of working and living conditions to which they were subjected, or to the loss of their documentation and the lack of pay. According to credible reports in the national media, there are significant numbers of foreign workers from countries of the former Soviet Union who are forced to work without pay because their passports are held by firms which brought them into the country.

There are no known specific measures undertaken by law enforcement bodies in order to prevent the export of women for the purpose of sexual exploitation. The criminal persecution of representatives of the "business" usually takes place in connection with cases whose investigation is performed within the framework of cooperation with international law enforcement structures. The Ministry of the Interior believes that the "trafficking in women" problem is the responsibility of the Ministry of Foreign Affairs and Consular Services abroad. However, NGO's charge that exploited women commonly are refused help by Russian consular officials abroad. Women rarely seek the assistance of local authorities nor do they file complaints against the agencies that recruited them once they are back in the country because they often do not trust the law enforcement authorities.

The Government does not provide assistance to trafficking victims. Victims of trafficking can turn to a crisis center or other NGO's that render assistance to women victims of sexual and other kinds of abuse. There are 40 crisis centers and NGO's that render assistance to female victims of sexual and other kinds of abuse.

There are no Government initiatives to return trafficked women. Unless deported by the host country, women must pay their own way home. Some women who return have reportedly told NGO's that they were unable to communicate with local law enforcement in their destination country. Women reported that their documentation was withheld and that without it they were not able to gain assistance from the Russian consulates.

There are also reports of officers "selling" soldiers. The Union of Soldiers' Mothers Committee reported in October that this practice remains widespread, especially in Chechnya. According to the Committee, they received reports that the going rate for a soldier was \$2 (50 rubles). In one egregious case in September, a soldier in Chechnya reportedly was purchased for 10 bottles of vodka (see Section 1.c.).

Law enforcement bodies take the trafficking of children more seriously. There are reports of children being kidnaped or purchased from orphanages for sexual abuse, child pornography, and body parts. There are no statistics available, but law enforcement acknowledge that Internet child pornography is an increasing business. There is also some evidence of trafficking for organs and body parts. In a much publicized case near Moscow, police set up an undercover operation which resulted in the arrest of a grandmother and uncle of an 8 year old boy, who had sold the child for \$90,000 to persons who admitted they wanted the boy for sale of his body parts.

SAN MARINO

San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council (GGC)) selects two of its members to serve as the Captains Regent (co-Heads of State). They preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State), also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The Government respects the law's provisions for an independent judiciary in practice.

Elected officials effectively control the centralized police organization (the Civil Police) and the two military organizations (the Gendarmerie and the Guardie di Rocca).

The principal economic activities are tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the Government also derives revenue from the sale of coins and postage stamps to collectors throughout the world and from an annual budget subsidy provided by the Italian Government under the terms of the Basic Treaty with Italy.

The authorities generally respect citizen's rights in practice; however, although the Parliament and the Government have demonstrated strong commitment to the protection of human rights, some laws discriminate against women, particularly with regard to the transmission of citizenship.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

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

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

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

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process. The judicial system requires that the country's lower court judges be non-Sammarinese citizens, with the aim of assuring impartiality.

A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the Government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (4 replaced every 2 years) from among the members of the GGC.

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

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices. Government authorities respect these prohibitions, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

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

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights, and the Government respects them in practice.

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

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

The Government cooperates with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations. Although it does not formally offer asylum to refugees, the Government has permitted a few individuals to reside and work in the country. The issue of the provision of first asylum did not arise during the year; nor were there any reports of the forced repatriation of refugees.

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

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

Women are underrepresented in government and politics, although they face no legal impediments. In 1974 the first female member was elected to the GGC. Since then, women have served on the Council as Secretary of State for Internal Affairs and as Captain Regent. All women's branches of the political parties have been inte-

grated into the mainstream party organizations, where women hold important positions.

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

There are no domestic human rights organizations, although the Government does not impede their formation. The Government has declared itself open to outsiders' investigations of alleged abuses, but there have been no known requests.

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

The law prohibits discrimination based on race, religion, disability, language, or social status, and the authorities respect these provisions. The law also prohibits some forms of discrimination based on sex, but vestiges of legal as well as societal discrimination against women remain.

Women.—The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, are rare.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice there is no discrimination in pay or working conditions. All careers are open to women, including careers in the military and police as well as the highest public offices.

However, one law discriminates against women by stipulating that a woman who marries a foreigner cannot transmit citizenship to her husband or children, but that a man who marries a foreigner can do so to both his wife and their children. In a September 1999 referendum, the electorate by a very narrow margin failed to confirm a change to the law that was approved by Parliament in June 1999. The proposed law would have provided for the transmission of Sammarinese citizenship by women, but it was narrowly defeated despite support by all political parties.

The September 1999 referendum also failed to confirm a provision that would have revoked the citizenship of women who acquired citizenship through marriage 5 years after a divorce, if they no longer resided in the country. This provision was included in the proposed law after the Government had noted that several Eastern European women recently had married significantly older citizens, presumably with the aim of acquiring citizenship.

Children.—The Government demonstrates its commitment to children's rights and welfare through its well-funded systems of public education and medical care. No differences are apparent in the treatment of girls and boys in education or health care, nor is there any societal pattern of abuse directed against children.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1992 law established guidelines for easier access to public buildings, but its implementation remained incomplete.

Section 6. Worker Rights

a. The Right of Association.—By law all workers (except the armed forces but including the police) are free to form and join unions. A 1961 law sets the conditions for the establishment of a union. Unions may form domestic federations or join international labor federations.

Union members constitute about half of the country's work force (which numbers about 10,300 Sammarinese citizens plus 4,000 Italians from the country's total population of about 25,000 persons).

Trade unions are independent of the Government and the political parties, but they have close informal ties with the parties, which exercise strong influence on them.

Workers in all nonmilitary occupations have the right to strike. No general strikes occurred in at least the last 10 years. However, during this period some brief sector-wide and company strikes took place.

b. The Right to Organize and Bargain Collectively.

The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers. Effective mechanisms exist to resolve complaints. Negotiations are conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers' association. For the last several years, all complaints have been resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor, including by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits forced and bonded labor by children, and the Government enforces this prohibition (see Section 6.c.). The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. Most students continue in school until age 18.

e. Acceptable Conditions of Work.—Since January 1, the legal minimum wage has been approximately \$1,100 (2.29 million lira) per month, which affords a decent living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37° hours in industry and private business, with 24

consecutive hours of rest per week for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors them. Most workplaces implement the standards effectively, but there are some exceptions, notably in the construction industry.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

SLOVAK REPUBLIC

The Slovak Republic became an independent state in 1993, following the dissolution of the Czech and Slovak Federal Republic (CSFR). Its Constitution provides for a multiparty, multiethnic parliamentary democracy, including separation of powers. Prime Minister Mikulas Dzurinda took office after parliamentary elections in the fall of 1998. The first direct presidential elections were held in May 1999. Both elections were declared free and fair by the Organization for Security and Cooperation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR). The Slovak Republic chose to carry over the entire body of CSFR domestic legislation and international treaty obligations, which still are being renewed or updated. The Constitution provides for an independent judiciary; however, some experts allege that the Ministry of Justice's logistical and personnel authority allows it to exert some influence on the judicial system.

The national police, which fall under the jurisdiction of the Ministry of Interior, are the primary law enforcement agency. In addition to domestic law enforcement, they also have responsibility for border security. The Slovak Information Service (SIS), an independent organization reporting directly to the Prime Minister, is responsible for all civilian security and intelligence activities. A parliamentary commission composed of legislators from ruling and opposition parties oversees the SIS. Civilian authorities generally maintain effective control of the security forces. Police committed some human rights abuses.

The Slovak Republic continued to make progress in the transition to a market-based economy, with more than 83 percent of the gross domestic product (GDP) now generated by the private sector. The economy is largely industrial, with only 5 percent of the GDP generated by agricultural production. Major exports are iron and steel products, vehicles and automobile parts, audio and video equipment, machinery and transport equipment, petroleum products, and organic chemicals. GDP growth reached 2 percent during the year. The economy's growth is fueled by foreign demand as exports increased by 30 percent in the third quarter of the year. Inflation grew by 12 percent, lower than expected, due to a combination of increases in regulated prices, growing competition on the retail market, and lower than expected domestic demand. Slow growth is largely the result of the failure of the previous government to implement structural reforms, such as financial sector privatization and industrial restructuring. The GDP per capita was \$3,569 during the year. This provided most of the population with an adequate standard of living. The unemployment rate was 18.8 percent at year's end, reaching almost 30 percent in some areas. A disproportionate number of unemployed are Roma, who face exceptional difficulties in finding and holding jobs, partly as a result of discrimination. According to the law, social benefits of those unemployed over 2 years were cut in half. Savings have been transferred to municipalities to pay for community service jobs. More than 64,000 jobs have been created to date, of which over half have gone to the Roma minority.

The Government generally respected the human rights of its citizens, and the human rights situation improved during the year; however, problems remained in some areas. Police on occasion allegedly beat and abused Roma. Although the practice under the former government of using the SIS to conduct surveillance of many political figures, journalists, and their spouses nearly has been eliminated, there

were allegations in October that this surveillance continues on both opposition and government politicians. The absence of government intimidation removed the pressure on journalists to practice self-censorship. Media monitors report that government politicization of the state-owned electronic media nearly has been eliminated; and although the potential for political interference with Slovak Television (STV) and Slovak Radio (SRO) exists because they are reliant on government funds, no threats of retaliation for negative reporting of government actions were reported. On May 17, the Parliament approved a Freedom of Information Act, which grants citizens access to virtually all unclassified information from national and local government offices. Discrimination and violence against women remain problems. Cases of abuse of children and discrimination against the disabled were reported. Ethnic minorities, in particular Roma, faced societal discrimination. The frequency of skin-head attacks on Roma appeared to remain the same during the year. Police sometimes failed to provide adequate protection against these attacks or to investigate such cases vigorously. Some anti-Semitic incidents occurred, and limited societal discrimination against the Hungarian minority persists, mainly in regions where only small numbers of the ethnic Hungarian minority reside. There were instances of trafficking in women and girls.

During the year, the Government initiated investigations into some serious crimes. In 1999 the Government created the position of special government commissioner for Roma issues in the Office of Deputy Prime Minister for Human Rights and Minorities. However, the Government still has not fulfilled the United Nations (UN) recommendation to create a national committee for human rights and a human rights ombudsman. The government Office for Human Rights and National Minorities established an ad hoc working group in June to examine existing anti-discrimination legislation. The group completed an in-depth analysis of the legislation in December and found that although anti-discrimination provisions in the Penal Code are sufficient, improvements in the Civil Code and more effective implementation of all legislation are needed. The cabinet approved an action plan to prevent all forms of discrimination and intolerance.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political killings by government officials.

However, former Prime Minister Meciar's party, the Movement for a Democratic Slovakia (HZDS), alleges that the January 1999 killing of Jan Ducky, the former Economy Minister under the Meciar Government and head of the national gas distribution monopoly, was the result of a political vendetta. Ducky was killed in the lobby of his apartment building a week after the authorities filed charges against him for financial mismanagement and illegal property transfers while at the gas monopoly. Interior Minister Ladislav Pittner publicly speculated that Ducky might have been killed to prevent his testimony. In November the Bratislava district court ruled to halt the criminal prosecution of Ukrainian citizen Oleg T. due to lack of incriminating evidence, although the appeals court has not yet confirmed this decision. The investigation into the murder of Ducky continued at year's end.

The August 1999 case of a police officer allegedly shooting a 21-year-old Rom during interrogation is still under investigation, and the police officer involved was dismissed this year for violating the law by interrogating the Rom alone when he had access to a gun. The Government has appointed independent investigators to examine the case further; the investigation continued at year's end.

There was no progress during the year in the on-going investigation of the 1996 death of Robert Remias. There has been widespread press speculation that elements of the security services under the Meciar administration were involved in his death.

In November 1999, Minister of Justice Jan Carnogursky established a department for the documentation of crimes committed by the communist regime. The commission provides legal advice regarding restitution and rehabilitation after imprisonment or persecution during the communist regime. The commission responded to approximately 250 requests during the year. The commission also prepared draft legislation to assist victims of the communist regime.

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, both national and city police on occasion allegedly beat suspects in custody. Police reportedly use pressure and threats to discourage Roma from pressing charges of police brutality (see Section 1.e.). Credible sources say that the police sometimes tolerate violence against Roma by not thoroughly investigating attacks against them in a timely and thorough man-

ner or by coercing Roma to refrain from submitting incriminating evidence (see Sections 1.e. and 5.). Some police also infringe on the rights of Roma to social benefits and housing (see Section 2.d.). In 1998 and 1999, Roma in the town of Vrable lodged complaints against local law enforcement officer Roman Frajka for allegedly attacking teenage Romani boys. The Ministry of Interior investigated the case and found Frajka not guilty. The case was closed and no official charges or further complaints were registered against him this year.

Residents of African and Asian origin continued to complain that police fail to investigate skinhead attacks against them.

The 1995 case of the violent abduction of the former president's son, Michal Kovac, Jr. to Austria, during which he was tortured, remains unsolved. The Government actively reinvestigated the case in which former SIS personnel are alleged to be implicated. Interior Minister Pittner released a report in January 1999 attesting to the SIS's influence over the Ministry of Interior under Meciar, especially over the investigative and criminal police sections. In February 1999, the police arrested two former high-ranking officers of the SIS. The Constitutional Court concluded that amnesties granted to Gustav Krajci and a second official involved in the case, Jaroslav Svechota, by former Prime Minister Meciar shielded them from prosecution. Police closed their investigation in April. Twelve persons, most of whom were formerly members of the SIS, were charged. Former SIS head Ivan Lexa was the primary person accused.

In April 1999, the Parliament lifted the immunity of former SIS head Ivan Lexa in five of the seven criminal cases in which he allegedly was implicated. Subsequently he was placed in preliminary detention; however, he was released later on the decision of a regional court due to insufficient evidence. On September 4, the Bratislava district court issued an international warrant for the arrest of Lexa, who allegedly had fled the country. Lexa faces several charges, including abuse of power, fraud, and money laundering. Following the issuance of the international arrest warrant, Slovak police applied for Interpol's help in finding and detaining him. Lexa's attorneys have charged that the Government's continued pursuit of their client is unfair persecution since they argue that he cannot be prosecuted because of Meciar's amnesties. However, the Government's investigation into Lexa's involvement in crimes for which he had not received amnesty continues.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

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

A person accused or suspected of a crime must be given a hearing within 24 hours and be either set free or remanded by the court. During this time, the detainee has the right to an attorney. If remanded by a court, the accused is entitled to an additional hearing within 24 hours, at which time the judge either sets the accused free or issues a substantive written order placing the accused in custody. Some critics argue that the initial 24-hour detention period, during which time investigators must gather all evidence, which can be submitted, to the prosecutor, is not sufficient and occasionally results in the release of guilty suspects. A Ministry of Justice judicial reform committee recommended lengthening the initial detention period to 72 hours.

In April Special Forces broke into the residence of former Prime Minister Vladimir Meciar, and detained and transported him to Bratislava to question him concerning his alleged misuse of authority as a public official. His supporters called the action an excessive use of force and an illegal and politically motivated indictment. Police defended the action and stated that it was in accordance with the law.

Investigative detention may last 18 to 40 days, with further pretrial detention permitted. The total length of pretrial detention may not exceed 1 year, unless the Supreme Court extends it, after determining that the person constitutes a serious danger to society.

Pretrial detainees constituted roughly 26.7 percent of the total prison population, and the average pretrial detention period was 7.2 months. The law allows family visits and provides for a court-paid attorney if needed. A system of bail exists. Non-citizens may be held for up to 30 days for identification purposes or for 18 to 40 days in investigative detention. Detainees have the right to see an attorney immediately and should be notified of this right; however, one nongovernmental organization (NGO) reports that not all detainees are notified of their rights.

The law allows monthly family visits upon request and receipt by detainees of a package of up to 10 pounds every 2 weeks. Attorney visits are allowed as frequently as necessary, and consular visits are allowed upon request by the judge.

The Constitution prohibits exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial.—The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, some critics allege that the dependence of judges upon the Ministry of Justice for logistical support, the granting of leave requests, and other services undermines their independent status. Also, the Ministry of Justice can demote presidents and vice presidents of the courts for any reason, although they remain judges, and it has done so. Although not specified in legislation, in practice the Judicial Council, an independent organization of lawyers and judges, recommends nominations for presidents of courts, and the Minister of Justice then officially nominates the recommended judge. The Ministry has denied nomination of only one of the council's recommendations. This practice increases the independence of the judicial branch.

The court system consists of local and regional courts, with the Supreme Court as the highest court of appeal except for on constitutional questions. There is a separate Constitutional Court—with no ties to the Ministry of Justice—that considers constitutional issues. In addition there is a separate military court system, the decisions of which may be appealed to the Supreme Court and the Constitutional Court. Under the Constitution, the President appoints Constitutional Court judges to 7-year terms based upon parliamentary nominations. Parliament elects other judges, based on recommendations from the Ministry of Justice, and can remove them for misconduct.

Many activists make credible allegations that some judges are corrupt and that adequate safeguards against corruption do not exist.

Persons charged with criminal offenses are entitled to fair and open public trials. They have the right to be informed of the charges against them and of their legal rights, to retain and consult with counsel sufficiently in advance to prepare a defense, and to confront witnesses. Defendants enjoy a presumption of innocence. Defendants also have the right to refuse to make self-incriminating statements, and they may appeal any judgment against them.

According to existing legislation, suspects are presumed innocent during the appeal process, and if that process lasts more than 3 years, the suspect will be released. Critics say that this rule occasionally results in the release of dangerous criminals.

Human rights monitors continued to charge that police and investigators are reluctant to take the testimony of witnesses, particularly Roma, to skinhead attacks on Roma, and police on occasion have failed to investigate cases of skinhead violence when the skinhead did not admit the crime (see Sections 1.c. and 5). Some NGO's have defended the police, contending that the real fault lies in the legislation, which states that only evidence that is collected by the investigator in the 24-hour detention period can be considered in the decision on whether to hold the suspect. Furthermore human rights monitors reported that police used the device of countercharges or threats of countercharges to pressure Roma victims of police brutality to drop their complaints. They also reported that medical doctors and investigators cooperated with police by refusing to describe accurately the injuries involved, and that lawyers often were reluctant to represent Roma in such situations, for fear that this would have a negative effect on their law practice.

Credible sources say that it is increasingly difficult for citizens who are disadvantaged economically to obtain noncriminal legal representation, and therefore it is becoming more difficult for some who may have had their rights infringed upon to take further legal action. The Ministry of Justice has initiated a program in which free legal advice is offered in seven cities every Wednesday for 5 hours. However, a legal NGO claimed that a more systematic approach is necessary. The practice of Chamber of Advocates leadership encouraging their membership to avoid indigent cases has been eliminated. The Slovak bar association currently is preparing a program to encourage lawyers to accept pro-bono cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law provides for these rights, but the authorities sometimes infringed upon them. The Criminal Code requires police to obtain a judicial search warrant in order to enter a home. The court may issue such a warrant only if there is a well-founded suspicion that important evidence or persons accused of criminal activity are present inside, or if there is some other important reason. Police must present the warrant before conducting the house search or within 24 hours after the search.

Some Roma activists have alleged that local police detachments on occasion have entered Roma premises without a search warrant.

The 1993 police law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted on the order of a judge or prosecutor only in cases of extraordinarily serious premeditated crimes or crimes involving international treaty obligations. There were allegations in October that SIS sur-

veillance continued on both opposition and government politicians (see Section 2.a). Unlike during the previous year, there were no known reports of alleged government surveillance of Roma.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. The print media are free and uncensored. Individuals report that they feel able to criticize the Government without fear of reprisal. However, there were many allegations in October that this surveillance continues on both opposition and government politicians (see Section 1.f.).

Newspapers and magazines regularly publish a wide range of opinions and news articles. The politicization of state-owned broadcast media, which was a significant problem under the previous Government, no longer is evident. There were no reported cases of journalists being intimidated or threatened in attempts to influence their reporting during the year.

The potential for political interference exists because STV and SRO are reliant on government funds; there have been no reports of such interference this year. However, STV and SRO officials assert that government officials do not threaten retaliation if they do not report the news to the Government's liking.

In one case the Government used libel laws to suppress criticism of political or other leaders, and some human rights activists have criticized the section of the Penal Code that prohibits the defamation of the republic. The Government does not use tax laws or allocations of newsprint or advertising revenue to suppress criticism of political and other leaders or the expression of viewpoints not favored by the Government.

On February 16, former HZDS Member of Parliament (M.P.) Frantisek Gauleider rescinded his complaint to the European Court for Human Rights in Strasbourg against the Slovak Republic for his 1996 expulsion from Parliament, after the Government agreed to a conciliation agreement and financial compensation.

On March 23, the editor-in-chief of the extreme nationalist weekly *Zmena*, Vladimir Mohorita, was found guilty of defaming the Government in an article in which he used inflammatory rhetoric to criticize the Government for its decision to open its airspace to NATO flights during the Kosovo crisis. Mohorita called the decision a "shameful and fratricidal act," denounced the Cabinet as a "government of mass murderers," and attacked the "crazy Satanists from the United States." He received a 4-month suspended sentence with 2 years probation. The law under which he was charged, Article 102 of the Penal Code, had been passed under the Government of former Prime Minister Vladimir Meciar.

On May 17, the Parliament approved a Freedom of Information Act, effective January 1, 2001, which grants citizens access to virtually all unclassified information from national and local government offices.

None of the 26 journalists fired from the STV in 1999 have pursued legal action or received legal relief.

Three boards appointed by a majority vote of Parliament supervise radio and television broadcasting. The Slovak Television Council and the Slovak Radio Council establish broadcasting policy for state-owned television and radio. The Slovak Council for Radio and Television Broadcasting issues broadcast licenses and administers advertising laws and some other regulations. The Radio and Television Council has made significant progress in fostering the spread of private broadcasting, for which it has issued 27 radio and 78 television and cable television licenses. TV Markiza, a private company with a signal covering two-thirds of the country, is the most watched station.

The Government does not censor books, films, or plays; it also does not limit access to the Internet.

Money has been reallocated to minority groups for the publication of minority language newspapers. However, the media monitoring organization Memo said that from April until June, Slovak media devoted only one percent of their combined airtime to minority issues. In addition Roma received no positive coverage, and the Czech, Ukrainian, and Ruthenian minorities received no coverage.

The law provides for academic freedom. Unlike the previous government, the current Government neither intervenes in the administration and funding of institutions of higher education, nor approves all professors' appointments. Many of the school administrators who were appointed based solely upon political favoritism during the previous regime have been replaced. The practice of diverting money from the older, then pro-opposition, universities largely has been reversed. In April the Parliament passed legislation establishing a private Catholic university in the town of Ruzomberok, which officially opened in September. It received a state subsidy of

\$200,000, which constitutes 70 percent of the school's budget. The use of bribery by some students to increase their chances for acceptance into some more prestigious faculties is believed widely to result in unequal access for economically disadvantaged students.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. Registration is not required, but under existing law, only registered churches and religious organizations have the explicit right to conduct public worship services and other activities. However, in practice no specific religions are banned or discouraged by the authorities. In order to register as a church, a religious organization must collect the signatures of 20,000 persons with long-term residency in the country. Some experts argue that the requirement to collect 20,000 signatures is too stringent and unfairly limits the registration of smaller churches. The State provides financial benefits, including subsidies for clergy and office expenses, only to the 15 registered churches and religious organizations.

In February 1999, police arrested two former high officials in the SIS for involvement in the 1995 effort to discredit the chairman of the Slovak Bishops Conference. Allegedly the SIS framed the Bishop for selling religious art for personal gain. If convicted, former Chief of the SIS Counterintelligence Unit Jaroslav Svehota and Deputy Director of the Surveillance Unit Robert Beno would face sentences of between 5 and 12 years in jail. SIS involvement in the case was proven, and property was returned; however, the court had not made any rulings regarding Svehota or Beno by year's end.

By law churches and religious organizations could apply for the return of their property that had been confiscated by the communist government; the deadline for these claims was December 31, 1994. The property was returned by the State, by municipalities, by state legal entities, and under certain conditions by private persons. The main obstacles to the resolution of outstanding restitution claims are the Government's lack of financial resources, and bureaucratic resistance on the part of those entities required to vacate restitutable properties. While the Orthodox Church reported that six of the seven properties on which it had filed claims already had been returned, the Catholic Church and the Federation of Jewish Communities (FJC) reported lower rates of success. The FJC is dissatisfied with the Government's failure to discuss compensation for property that belonged to Jewish families who no longer have living heirs.

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

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local police officers refused to give a registration stamp to Romani citizens, which prevents them from receiving social benefits and housing.

The law includes provisions for granting refugee/asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, 1,556 persons applied for asylum. Of these cases and cases held over from previous years, none were granted citizenship, 10 were accepted as refugees, 123 claims were rejected, 1,366 persons terminated their cases, and 400 cases were pending at year's end.

On April 19, Parliament amended the law on refugees to no longer require asylum seekers to register at the migration office within 24 hours of entering the country.

There were no reports of the forced expulsion of those having a valid claim to refugee status; however, some refugee claimants had difficulty in gaining access to initial processing.

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

Citizens have the constitutional right to change their government through the periodic free election of their national representatives. All citizens over the age of 18 are eligible to vote, and voting is by secret ballot. The Constitution reserves certain powers to the President as Chief of State (directly elected by the citizens), but executive power rests with the Prime Minister. Legislative power is vested in the National Council of the Slovak Republic (Parliament).

On August 31, charges against former Minister of Interior, Gustav Krajci, for abuse of power and forgery of ballots in the 1997 referendum on direct presidential elections were dropped. As deputy chairman of the central election commission,

Krajci allegedly deleted from the referendum ballot the question on holding direct elections for president and marked the new ballot with the commission's official stamp, without notifying the commission of the change. Legal proceedings were halted because of a Constitutional Court ruling that Krajci was covered by an amnesty issued by former Prime Minister Meciar while the latter was temporarily exercising presidential authority.

Women are underrepresented in government and politics. There are 2 female ministers, 1 of the 9 Constitutional Court judges appointed in November 1999 is a woman, and women hold 21 seats in the 150-member Parliament. In the last parliamentary elections, only 273 of the 1,618 candidates (17 percent) were women.

The large ethnic Hungarian minority, whose coalition gained 15 seats in Parliament in the September 1998 elections, is well represented in Parliament and the Government. One ethnic Hungarian sits on the Constitutional Court. Roma are not represented in Parliament, but a Rom holds the position of Government Commissioner for Roma Issues.

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

A number of domestic and international human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. A 1996 law requiring NGO's and foundations to reregister and have substantial financial resources in order to operate, eliminated some foundations, primarily dormant groups. However, no organization was denied registration or faced any other major problem in continuing to operate. Some NGO leaders continued to allege that the current Government at times is unresponsive to their requests.

Roma calls for Deputy Prime Minister Csaky's resignation had little effect. The Roma community appeared more satisfied with the performance of his office during the year; however, there has been an increase in dissatisfaction among Roma with the performance of the Government's commissioner for Roma Issues, Vincent Danihel. The Roma community has called for Danihel's resignation to little effect.

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

The law prohibits discrimination and provides for the equality of all citizens. However, enforcement is uneven, with different minority groups reporting that their members often receive no government assistance with complaints about discrimination. Health care, education, retirement benefits, and other social services are provided regardless of race, sex, religion, disability, language, or social status; however, there were credible reports by human rights monitors that indicate that Roma continued to suffer from discrimination in employment, housing, schooling, health care, and the administration of state services. Deputy Prime Minister Csaky's office appointed a commission in May to examine existing anti-discrimination legislation and determine whether additional legislation is necessary. The committee completed its assignment in December. The result of the committee's findings indicate that the Penal Code sufficiently addresses anti-discrimination concerns, but both improved legislation protecting civil rights and better implementation of the legislation is needed.

Women.—Violence, particularly sexual violence against women, remains a serious and underreported problem. According to Ministry of Interior statistics, both domestic and public violence against women has been increasing: 1,000 cases of public violence were registered in 1997, compared with 276 in 1985. Domestic violence in 1997 included 2,656 cases, compared with 1,874 in 1995 when statistics first were kept. Further police statistics indicate that from 1995 to 1997, 69.8 percent of all violent crimes occurred at home, with 90 percent of the victims being women or children. One NGO's regional research showed that 38 to 40 percent of women were victims of domestic violence. A national poll from this year indicated that as many as one in five women are subjected to some form of physical violence in the home, and that 70 percent of all violence against women occurs in the home. Police estimate that two-thirds of female rape victims fail to report their cases. Police treat spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses; sections in the criminal code specifically address rape, sexual abuse, and trafficking in women.

Legislation has not yet recognized and defined the term domestic violence. There is one consulting center for abused women in the country. There is no shelter for battered women without children, but there are three family shelters for victims of child and spousal abuse. In the view of some NGO's, the lack of relevant data on

domestic violence is used by police authorities to downplay the extent of domestic violence.

Many activists argue that existing legislation does not specifically address domestic violence and fails to protect victims sufficiently, but noted that the Government adopted a law that addresses specifically abuse of family members. As a result of amendments to the criminal code that took effect in 1994, prostitution is not illegal. However, the code prohibits activities related to prostitution, such as renting apartments for conducting prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of prostitution. Trafficking in women is a problem, and the Government views it with concern (see Section 6.f.).

Women are equal under the law. They have the same property, inheritance, and other legal rights as men. However, discrimination against women remained a problem. According to sociological studies, women receive approximately 85 percent of men's wages for similar work. However, the definition of similar work is not defined precisely. For example, women may have fewer years' experience on the job due to time spent out of the work force raising a family. Women earn, on average, 22 percent less than men.

In December 1997, the Gender Center for Equal Treatment of Men and Women was founded. The Center is an independent NGO that cooperates with the U.N. Development Program and the Government. The Government's Coordinating Committee for Women's Affairs (including NGO's) has done little to implement the 1997 national action plan meant to reduce violence against women, protect women's health, and reduce women's economic disadvantages.

Children.—The Government demonstrates its commitment to children's rights and welfare through its system of public education and medical care. The Ministry of Labor oversees implementation of the Government's programs for children. The Constitution, the law on education, the Labor Code, and the system of assistance payments to families with children each address in part the issue of children's rights. Education is universal, free, and compulsory for 9 years, or until the age of 15.

Abuse of children remains a problem and is underreported. Experts from various state institutions dealing with child abuse claim that there are significant discrepancies between official figures on child violence and the actual situation. A 1999 survey of over 7,000 children conducted by an NGO offering resources to abused children indicated that 12 percent of children are victims of sexual abuse, while 20 percent are victims of physical abuse. According to available police statistics, child beating and sexual abuse are on the rise. In 1997 there were 1,083 reported cases of crimes against children. Among the most frequent crimes committed against children were: Nonpayment of child support, sexual violence, and beatings. In the past 10 years, only 127 cases of abused children were reported officially, while the actual number is likely 20 to 30 times greater. According to independent research, 25 percent of all children are punished physically on a regular basis. The lack of legislation protecting children in state institutions presents a problem.

Youth criminality has increased as well. In 1990 children under the age of 15 reportedly committed 226 crimes; in 2000 this number rose to 4,159. Juveniles (15 to 18 years of age) committed 5,565 crimes during the year. Child prostitution is not addressed specifically in the Criminal Code, but is covered by more general provisions in the law. The Penal Code was amended in September 1999 to include a provision outlawing child pornography.

The U.N. Children's Fund (UNICEF), several NGO's, and other institutions dealing with children's issues have called for amendments to the law on families, particularly the part on relations between parents and children. Although new departments dealing specifically with children's issues have been established in the Ministries of Education and Social affairs, the Government has not yet created an ombudsman's office to defend children's rights, as UNICEF recommended in 1999. In June the Ministry of Social Affairs established a Commission on the Rights of the Child. The Commission provides information to children regarding their rights and performs the duties traditionally fulfilled by an ombudsman. There are two regional emergency hot line numbers for abused children and one counseling help line.

Existing legislation appears to place emphasis on parents' rights over children's rights. Current legislation allows parents to place their child in a state-run institution for abandoned children, and as long as contact is maintained once every 6 months, the child remains in the custody of the parents and cannot be adopted. NGO leaders claim that existing legislation protects aggressors before victims. If a husband or wife is guilty of child and/or spousal abuse, it is often the victim who is forced to leave the family home. However, legislation was amended in 1999 to allow children who are victims of physical or sexual abuse to seek assistance and treatment, without parental consent.

Trafficking of girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

People with Disabilities.—The Constitution and implementing legislation provide for health protection and special working conditions for mentally and physically disabled persons, including special protection in employment relations and special assistance in training. A 1994 decree provides incentives to employers who create a “sheltered” workplace (i.e., a certain percentage of jobs set aside for the disabled). The law also prohibits discrimination against physically disabled individuals in employment, education, and the provision of other state services. Nevertheless, experts report discrimination in the accessibility of premises and access to education (especially higher education), and in 1998 the quotas for mandatory hiring of disabled citizens were lowered in accordance with employers’ wishes. Although not required specifically by law, another 1994 Government decree mandates accessibility for new public building construction. The decree provides for sanctions but lacks a mechanism to enforce them. A spokeswoman for an NGO dealing with the disabled said that due to pressure from a number of NGO’s and the willingness of the Dzurinda Government, accessibility has been improving, particularly regarding new construction; however, many barriers remain. NGO’s complained that other legislation, including the provision of jobs for the disabled, while on the books, often is ignored.

Religious Minorities.—Despite an order by former Prime Minister Meciar to withdraw a controversial history book entitled the “History of the Slovak Republic and the Slovaks” by Milan Durica, it remains available in schools. The book has been criticized widely by religious groups and the Slovak Academy of Sciences for gross inaccuracies and distortions, particularly in its portrayal of wartime Slovakia and the deportation of Jews and Roma.

In March the city council of the town of Zilina announced its decision to install a plaque honoring the Nazi-collaborationist and wartime Slovak President, Jozef Tiso, on the city’s Catholic community center. High-level politicians including President Rudolf Schuster and Prime Minister Mikulas Dzurinda publicly condemned the proposal. The council eventually reversed its decision.

On May 18, the Government sponsored a national conference on racism, xenophobia, anti-Semitism, and intolerance. At the conference the President announced that he would dedicate September 10 as a memorial day to victims of the Holocaust; the event took place as announced.

In September the Government approved an agreement between the Vatican and the Republic. In February the Ministry of Education and the Institute of Judaism undertook a joint educational project on Jewish history and culture that is targeted to elementary and high school teachers of history, civic education, and ethics. This project is intended to assist in educating the public about Jewish themes and increase tolerance toward minorities. The Government currently is seeking to obtain membership in the task force for international cooperation on Holocaust education, remembrance, and research.

In July 1999, the FJC in the Slovak Republic expressed its concern over the desecration of the monument to Holocaust victims located in the old city in Bratislava. Investigation into the case revealed that it was one of pure vandalism; no connection to racism was found.

In November 1999, Parliament passed legislation compensating Slovak citizens who were deported to German-controlled concentration camps during World War II on the basis of their nationality, race, or religion. For each month of deportation, those eligible are to receive a cash sum of \$75 (SK 3,000), plus a \$.75 (SK 30) addition to their monthly pension. Direct heirs of deceased victims, who at the time of deportation were minors, are entitled to a lump sum of up to approximately \$2,500 (SK 100,000). The legislation disqualifies the nearly 700 Slovak Jewish survivors from southern Slovakia, which was under Hungarian control during World War II, because they received compensation from the Hungarian Government.

In May 1998, the Supreme Court upheld a prior verdict that the publisher of *Zmena* weekly had to publish an apology to the honorary chairman of the FJC for abusing his person and offending his religious feelings. The apology still was not published by year’s end.

National/Racial/Ethnic Minorities.—The Constitution provides minorities with the right to develop their own culture, receive information and education in their mother tongue, and participate in decisionmaking in matters affecting them. The Government continued to provide funding for cultural, educational, broadcasting, and publishing activities for the major ethnic minorities, but at greatly reduced levels. However, there is no comprehensive law against discrimination.

The largest minority is the ethnic Hungarian minority. It is concentrated primarily in the southern part of the country, with a population registered at 568,714 at the end of 1999 (150,000 of whom are thought to be Roma who speak Hungarian

and choose to declare themselves as ethnic Hungarian). Most ethnic Hungarians and ethnic Slovaks living in mixed areas continued to coexist peacefully, but in recent years there have been occasional expressions of anti-Hungarian sentiments by Slovak nationalists. In 1998 the Slovak Government and the Government of Hungary signed an implementation agreement for their 1996 bilateral treaty, which called for the establishment of commissions to deal with the treatment of ethnic minorities. The commissions were established in February 1999.

A 1999 minority language law provides for the use of minority languages in official activities. According to the law, in places where a minority group constitutes at least 20 percent of the population, the minority language can be used in contacts with government officials. The law was deemed acceptable by the OSCE High Commissioner on National Minorities and the European Union. However, all members of the Hungarian coalition voted against the law because they felt that it did not ensure that the provisions in the new law would take precedence over the existing state language law. The Hungarian minority felt that a more comprehensive law was necessary, and that this law did not protect the use of Hungarian in cultural and educational activities. The Cabinet held numerous negotiations regarding the European Charter on Minority Languages, in an attempt to reach a solution acceptable to all government parties.

The special parliamentary advisory committee for Roma issues that was created in February 1999 met only twice this year.

In January 1999, Parliament amended three laws to permit bilingual record-keeping at schools with Hungarian or other minority language instruction. As a result of these changes, the Ministry of Education ordered report cards in both Hungarian/Slovak and Ukrainian/Slovak versions.

Roma constitute the second largest ethnic minority, estimated by experts to number up to 500,000 citizens, although the Government officially reported 83,988 Roma in the country. Police on occasion beat Roma, and in a 1999 case allegedly shot a Rom during questioning at the police station (see Sections 1.a. and 1.c.). They suffer disproportionately from high levels of poverty and unemployment. Credible reports by human rights monitors indicated that Roma continued to suffer from discrimination in employment, housing, schooling, health care, and the administration of state services. Discrimination is most severe in the eastern part of the country, where unemployment is higher and the Romani population is larger. Among Roma living in settlements in the east, the unemployment rate is nearly 100 percent. In urban areas in the east, incidents of Roma being denied admission to certain hotels, restaurants, and swimming facilities are widely reported. According to the Office for Protection of Legal Rights (KPO), Roma are often segregated in hospitals, particularly in maternity wards, and some say Roma receive inferior care. The Ministry of Health promised in July to investigate the claim and to ensure that all citizens receive equal care and that wards are not segregated; the Ministry was continuing its investigation at year's end. The practice of unemployment offices identifying Roma in their records by placing an "R" next to their name in the register was eliminated by order from the National Labor Bureau. Romani children disproportionately are placed in special schools for the mentally retarded in many cases due to their insufficient knowledge of the Slovak language.

In August 1999, the Government increased the budget for the office of Special Government Commissioner for Roma Issues Vincent Danihel. The office's budget totaled \$667,000 (SK 30 million) in 2000; it funded 102 Roma projects. It also allocated about \$375,000 (SK approximately 15 million) for special projects aimed at improving the situation of Roma, including "Headstart" programs for Roma in 10 schools; training for Roma and non-Roma mayors, local government officials, and police officers; publication of two Romani textbooks in Slovak, Hungarian, and the Romani language; public television programs to educate the public about the Romani minority; support for the Kosice Roma secondary art school; and support for regional Roma cultural centers, social advisory bodies, and health care programs.

In September 1999, the Cabinet approved a new program, "the Strategy of the Slovak Republic for the Solution of the Problems of the Roma Minority," for addressing issues of the Romani minority. While many Romani leaders and experts on Roma issues believe that the strategy is a positive step, they also criticized it for lacking specific proposals, being formulated with limited input from Roma, and not allocating sufficient resources. On April 7, the Cabinet approved an additional \$241,000 (approximately SK 10.5 million) for 56 assistance projects aimed at improving infrastructure and housing in Roma settlements.

During the year, approximately 3,387 Slovak citizens applied for asylum in Western European countries, mainly Belgium, the Czech Republic, Finland, Netherlands, and Norway, of which only 9 cases have been adjudicated successfully. Many human rights organizations claim that these asylum seekers migrate in order to receive the

generous benefits to pay back incurred debt from high interest loans they have received from moneylenders. Allegedly the moneylenders organize these trips for the Romani families.

Illegal high interest moneylending to economically disadvantaged Roma occurs frequently and occasionally results in Roma losing all possessions including housing. The Government has not developed a concrete strategy to deal with this problem.

On August 4, SNS M.P. Vitazolslv Moric proposed setting up reservations for Slovak Roma who refuse to assimilate into society. He further said, "It is clear that many mentally retarded people are born into Romani communities, why should the State allow a moron to create another moron and thus raise the percentage of morons in our nation?" In response to his statements, the Slovak Romani initiative (RIS) filed a suit with the general prosecutor against Moric. On September 22, Parliament voted to lift his parliamentary immunity, thus allowing criminal prosecution on the grounds of instigating racial hatred.

Skinhead violence against Roma was a serious problem, and human rights monitors reported that police remain reluctant to take action. Occasionally police also infringed on Roma rights to social benefits and housing (see Sections 1.c. and 2.d.). Attacks against Roma continued at 1999 levels, however; these cases received increased media attention. The authorities sometimes tolerate such attacks. In May 1999, a Banska Bystrica court ruled that a crime that was committed by a skinhead against a Rom could not be racially motivated since they are of the same race.

On April 28, the Banska Bystrica district court issued a guilty verdict for the crime of bodily harm with a racial motive. The court found a skinhead guilty of racially motivated damage to health and sentenced him to 2 years in prison plus 3 years' probation for his 1996 verbal and physical abuse against a Rom. Lawyer Jan Hrubala claimed that this was the first time authorities had applied "racially motivated crimes" provisions of the Penal Code to an assault case.

Roma citizens have established their own police patrols in the largely Roma-populated Kosice suburb, Lunik IX, because of the alleged inability of local police to protect effectively the area. The unit was established and funded by the local self-government with assistance from the Society for Personal Safety of the Slovak Republic and has been successful in patrolling the area.

Members of Zebra, an organization representing interracial marriages, said that citizens of racially mixed background are denied equal access to opportunity. Further, they claim that skinhead violence has increased, and that police fail to protect adequately citizens from this violence.

Skinheads reportedly continued distributing racist materials to the mailboxes of Romani families in Kosice, Trebisov, and Plavecky Strvtok.

An international poll released in September indicated that 79 percent of Slovaks have a negative view of Roma, 46 percent believe that too many non-Slovaks reside in the Slovak Republic, and only 54 percent believe that Roma should have the same rights as Slovaks.

On January 7, skinheads beat an African American citizen. The victim sought medical treatment for a contusion in his head. The case was still pending at year's end.

On January 29, five skinheads attacked a black man in Bratislava and called him a black pig. The suspects were arrested but a racially-motivated verdict was not applied.

On February 17, eight male teenagers attacked two Japanese tourists in Bratislava. According to a police spokesperson, they were not seriously injured. The tourists apparently left the country after lodging a complaint with the police.

In March two Roma from the eastern town of Michalovce voluntarily came to the police station for questioning. They were allegedly beaten by some police officers. The victims suffered several injuries including broken legs, hands, and ribs. When questioned about the incident, the police first claimed the action was justified but later admitted that it was unwarranted. Both policemen involved in the case were subsequently dismissed from active duty.

On March 11, approximately 20 supporters of the skinhead movement attacked 2 Brazilians and 2 Angolans in Bratislava. One of the victims escaped, but the skinheads beat the remaining three with baseball bats while shouting racist slogans. The case was still pending at year's end.

On March 27, 10 skinheads verbally abused an Afro-Slovak family with 3 small children, one of whom was disabled. When the family got into their car, the skinheads started to hit it with baseball bats. The family went to the police, who informed them that charges could not be filed because no one was injured.

On June 18, three Afghan men were attacked during a benefit concert for refugees organized by the UNHCR. All three victims were treated for injuries while one was hospitalized suffering from a concussion. The UNHCR spokesperson expressed dis-

appointment over police reaction to the attack, claiming that “the officers just stood by for 2 or 3 minutes while the beatings took place.”

On July 21, a group of 50 Roma armed with machetes, knives, axes, and iron rods allegedly forced a moving car to stop and attacked one of its occupants. The 21-year-old non-Roma victim is expected to spend up to 6 months in the hospital to recover. Police are investigating the motive for the attack.

Anastazia Balazova, Roma mother of eight, died of injuries from a beating by unknown assailants in her Zilina home on August 20. On September 23, Zilina regional police placed two suspects in custody and confirmed that the attack was racially motivated. Three suspects are currently imprisoned, one of whom is a Rom. The investigation continued at year’s end; no conclusion had been made regarding whether or not the crime was racially motivated.

On August 30, Rom Jan Sudman was shot and injured in his hand by a pellet gun while doing clean-up work in the public works program. The case is currently under investigation. Allegedly other Roma participating in the public works program have also been attacked by skinheads, and citizens are deliberately throwing litter out their windows in response to their participation.

There was no progress during the year in a number of 1999 cases of violence against Roma. Many cases of skinhead violence that occurred in 1999 were dropped due to lack of witnesses.

During the most recent census (1991), 14,000 citizens registered themselves as Ukrainians, and 17,000 registered themselves as Ruthenians. However, the statistical office does not differentiate between Ruthenian and Ukrainian; it records 32,747 persons in the Ruthenian/Ukrainian ethnic group. The current Government also considers the Ruthenian and Ukrainian minorities as a single group. However, about 50,000 persons listed Ruthenian as their native language in the 1991 census. Ruthenians disagree that they are Ukrainians, and that their language is only a Ukrainian dialect. In September 1998, Slovak State Radio started broadcasting a long-promised daily regional program for the Ruthenian minority in Presov. However, after the 1998 parliamentary elections, this broadcasting was discontinued, and the broadcast is now in Ukrainian. There is a television broadcast in Ruthenian on STV, which is aired once every 2 months. In addition the Ruthenian minority receives state funding to publish a biweekly newspaper in Ukrainian. A representative of the Ruthenian Revival Organization stated that Ruthenian language instruction is provided in two schools in the northeast. There is an institute for minority languages at Presov University in the northeast. Two instructors at the Institute teach Ruthenian culture and language.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join unions, except in the armed forces. Approximately 45 percent of the work force is unionized. Most unions are independent of the Government and political parties but lobby those entities in order to gain support for union positions on key labor issues.

The Constitution provides for the right to strike, and there are no restrictions on this right. The national statistical office reported no official strikes during the year.

However, an increasing number of strike alerts and unofficial strikes were reported during the year. Many of these actions anticipated layoffs or protested the nonpayment or partial payment of salaries due to restructuring of the company or insolvency. Local unions also held strike alerts.

There were no instances of retribution against strikers or labor leaders. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes. However, according to this law, a strike is legal and official only if it is for the purpose of collective bargaining; if it is announced in advance; and if a list of strike participants is provided. If the strike is not considered to be official, strikers are not ensured protection.

Unions are free to form or join federations or confederations and to affiliate with and participate in international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining. Following the September 1998 parliamentary election the KOZ decided to reenter tripartite negotiations with employers and the Government. However, unions have expressed dissatisfaction with the Government, claiming that it has not included them in important decisionmaking and does not give adequate attention to their demands.

The law on citizens’ associations prohibits discrimination by employers against union members and organizers. Complaints may be resolved either in collective negotiations or in court. If a court rules that an employer dismissed a worker for union activities or for any reason other than certain grounds for dismissal listed in the

Labor Code, the employer must reinstate the worker. There were no reports of abuses targeted against unions or workers.

In July the Railway Workers, with the support of the ILO, appealed to the Government to amend the Act on Collective Bargaining to lower the quorum of employees necessary for the declaration of a strike and to eliminate the requirement that a list of employees participating in a strike be provided to the employer. Although the Government has developed draft amendments to this legislation, no agreement has been reached to date.

The 1996 Customs Act regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the labor code; there have been no reports of special involvement by the trade unions to date. No special legislation governs labor relations in free trade zones.

c. Prohibition of Forced or Compulsory Labor.—Both the Constitution and the employment act prohibit forced or compulsory labor, including that performed by children, and the Government enforces this prohibition effectively; however, trafficking in women and girls for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.). The Ministry of Labor, Social Affairs, and Family, as well as district and local labor offices, have responsibility for enforcement.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government ratified ILO convention 182 in 1999; it came into force in December, and the Government adheres to its standards. The law sets the minimum employment age at 15 years. Children must remain in school for 9 years, or until the age of 15, although this requirement is not enforced strictly, particularly for the Romani minority. Workers under the age of 16 may not work more than 33 hours per week; may not be compensated on a piecework basis; may not work overtime or night shifts; and may not work underground or in specified conditions deemed dangerous to their health or safety. Special conditions and protections, though somewhat less stringent, apply to young workers up to the age of 18. The Ministry of Labor enforces this legislation. There were no reports of violations. The law and the Constitution prohibit forced and bonded child labor, and the Government enforces these prohibitions effectively; however, instances of trafficking in girls for the purpose of forced prostitution is a problem (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—The minimum wage was \$93 (SK 4,000) per month during the year. Even when combined with special allowances paid to families with children it did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage. No violations were reported. The standard workweek mandated by the Labor Code is 42.5 hours, although collective bargaining agreements have achieved reductions in some cases (most often to 40 hours). For state enterprises, the law requires overtime pay up to a maximum of 8 hours per week, and 150 hours per year, and provides 5 weeks of annual leave. Private enterprises can compensate their employees for more hours of overtime than stipulated by the law. There is no specifically mandated 24-hour rest period during the workweek. The trade unions, the Ministry of Labor, and local employment offices monitor observance of these laws, and the authorities effectively enforce them.

The Labor Code establishes health and safety standards that the Office of Labor Safety effectively enforces. For hazardous employment, workers undergo medical screening under the supervision of a physician. They have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid “relaxation” leave in addition to their standard leave.

f. Trafficking in Persons.—The law specifically prohibits trafficking in persons in all forms; however, there were instances of trafficking in women and girls. The country is a source country, a transit country, and a destination country for such victims of trafficking. There is no evidence of government involvement in or tolerance of trafficking, and the Ministry of Interior is involved in activities to combat trafficking. According to the Ministry of Interior, there were 13 documented cases of Slovak women being forced into prostitution in other countries or foreign women being forced into prostitution in the Slovak Republic during the year, of which 11 were resolved. A case can be documented either when a trafficked person files a complaint with the police or when the police initiate a criminal investigation against a suspected trafficker. During the year, there were 11 investigations opened against pimps, of which 7 were resolved. The problem received more public attention this year, but it is still likely that there are more cases than those that are documented. There are no NGO’s or organizations that have as their main purpose to specifically provide support to victims of trafficking; however, women’s NGO Fenestra provides

support for these victims. In April a women's NGO, the Alliance for Women, sponsored a conference on trafficking.

In July an 18-year-old Roma girl from Hencovce was allegedly kidnaped, taken to the Czech Republic where she was sold for \$93, and forced into prostitution. This case is pending. Other Roma women have reported similar stories. Some NGO's argue that the women voluntarily chose the profession and then claim they were forced in order to avoid contempt from their community when they return, while others contend they were true victims of trafficking.

A report issued by the Ministry of Interior states that the Slovak Republic is a transit country for persons being trafficked mainly to Austria, the Czech Republic, and Germany for the purpose of forced prostitution. There were also reports of Slovak women being trafficked to Western Europe with promises of work as models, waitresses, and au pairs. Their passports were allegedly confiscated, and they were allegedly forced to work in adult entertainment clubs or as prostitutes. According to the report, 3 cases of trafficking were prosecuted in 1998 and 11 in 1999. There were four prosecuted cases of forced prostitution in 1998 and nine cases in 1999.

Some women from Russia and Ukraine reportedly are trafficked through the Slovak Republic on their way to countries such as Turkey, Greece, Italy, Germany, and Serbia, where they are forced to work as prostitutes. According to a report on trafficking in women issued by the Swedish National Criminal Investigation Department in March 1999, women from the Slovak Republic work in Sweden as prostitutes. In four 1998 court cases involving women trafficked to Sweden, some women came from the Slovak Republic, among other countries. Although previously it was primarily a source country, increasingly women from less prosperous eastern countries (including Russia, Belarus, Ukraine, Romania, and Bulgaria) find themselves trafficked through and to the Slovak Republic.

SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. Since the country's independence with the breakup of Yugoslavia in 1991, free, fair, and open elections have characterized the political system. In October elections were held to elect representatives to the Parliament's lower house. The Government respects constitutional provisions for an independent judiciary in practice.

The police are under the effective civilian control of the Ministry of the Interior. By law the armed forces do not exercise civil police functions.

The country has made steady progress toward developing a market economy. Although "social property" was abolished in 1998, the Government continues to own 50 percent of the economy, particularly in the financial sector, utilities, and the port of Koper. Trade has been diversified toward the West and the growing markets of Central and Eastern Europe. Manufacturing accounts for most employment, with machinery and other manufactured products constituting the major exports. Labor force surveys put unemployment at 7.6 percent, but registration for unemployment assistance was 13.6 percent. Inflation was 6.1 percent in 1999, while real gross national product grew 4.9 percent. The currency is stable, fully convertible, and backed by substantial reserves. The economy provides citizens with a good standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. An ombudsman deals with human rights problems, including citizenship cases. Police on occasion beat and abused Roma. Violence against women is a problem. Approximately 13,000 non-Slovene (former Yugoslav) residents who had been without legal status since independence in 1991, some due to the Government's slow processing of their original applications, and others because they had never applied, were offered legal residence in late 1999. A total of 12,862 persons applied for legal residence: 7,861 were accepted; 264 were refused; and 4,737 were still being processed at year's end. These minorities reported some discrimination. There were instances of trafficking in women.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and inhuman treatment as well as “humiliating punishment or treatment;” however, police on occasion beat Roma, allegedly resulting in severe injuries in some cases. Danko Brajdic, a Rom, was beaten by the police and admitted to a hospital with severe injuries. Sadik Kemalj, a Rom and former citizen of Slovenia, allegedly left the country without a passport and was beaten by police at the border when he attempted to return with a Macedonian passport. The authorities have not announced the filing of charges or the imposition of disciplinary measures in any of these cases.

Prison conditions meet minimum international standards and were not the subject of complaint by any human rights organization.

The Government permits prison visits by human rights monitors and the media.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest or deprivation of liberty, and the Government respects these provisions in practice.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Some 26 percent of the average prison population of 1,100 inmates are in pretrial detention at any given time. The law also provides safeguards against self-incrimination. These rights and limitations are respected in practice.

The Government does not use forced exile.

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

The judicial system consists of district courts, regional courts, a court of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation. Judges, elected by the State Assembly (Parliament) upon the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides for the right to a fair trial, including provisions for: Equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, without cost if need be. These rights are respected in practice, although the judicial system is so burdened that justice frequently is protracted. In some instances, criminal cases reportedly have taken 2 to 5 years to come to trial. The problem is not widespread, and defendants are released on bail except in the most serious criminal cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, “personal data rights,” and the inviolability of the home, mail, and other means of communication. These rights and protections are respected in practice, and violations are subject to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of thought, speech, public association, the press, and other forms of public communication and expression. Lingering self-censorship and some indirect political pressures continued to influence the media.

The press is now a vigorous institution emerging from its more restricted past. The major media do not represent a broad range of political or ethnic interests, although there is an Italian-language television channel as well as a newspaper available to the ethnic Italian minority who live on the Adriatic Coast. Hungarian radio programming is common in the northeast where there are approximately 8,500 ethnic Hungarians. Bosnian refugees and the Albanian community have newsletters in their own languages.

Four major daily and several weekly newspapers are published. The major print media are supported through private investment and advertising, although the national broadcaster, RTV Slovenia, enjoys government subsidies, as do cultural publications and book publishing. Seven local television channels are available and four of them are independent private stations. Numerous foreign broadcasts are available via satellite and cable. All major towns have radio stations and cable television. Numerous business and academic publications are available. Foreign newspapers, magazines, and journals are widely available.

In theory and practice, the media enjoyed full journalistic freedom. However, for over 40 years the country was ruled by an authoritarian Communist political system, and reporting about domestic politics may be influenced to some degree by self-censorship and indirect political pressures.

The election law requires the media to offer free space and broadcasting time to political parties at election time. Television networks routinely give public figures and opinion makers from across the political spectrum access via a broad range of public service programming.

The Constitution provides for autonomy and freedom for universities and other institutions of higher education. There are two universities; each has numerous affiliated research and study institutions. Academic freedom is respected, and centers of higher education are lively and intellectually stimulating.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the rights of peaceful assembly, association, and participation in public meetings, and the Government respects these rights in practice. These rights can be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. No person can be compelled to admit his religious or other beliefs. There are few formal requirements for recognition as a religion by the Government. Religious groups, including foreign missionaries, must register with the Ministry of the Interior. Registration entitles such groups to value added tax rebates on a quarterly basis. All groups in the country report equal access to registration and tax rebate status. Foreign missionaries (including a Church of Jesus Christ of Latter-Day Saints (Mormon) mission) and religious groups (including Hare Krishna, Scientology, and Unification organizations) operate without hindrance.

The appropriate role for religious instruction in the schools continues to be an issue of debate. The Constitution states that parents are entitled “to give their children a moral and religious upbringing. . . .” Before 1945 religion was much more prominent in the schools, but now only those schools supported by religious bodies teach religion.

The Roman Catholic Church was a major property holder in the Kingdom of Yugoslavia before World War II. After the war, much church property—church buildings and support buildings, residences, businesses, and forests—was confiscated and nationalized by the Socialist Federal Republic of Yugoslavia. After Slovenian independence in 1991, Parliament passed legislation calling for denationalization (restitution or compensation) within a fixed period. However, a subsequent change of government in 1992 led to a virtual standstill in denationalization proceedings for several years. At year’s end, over one-half of all cases had been adjudicated at the initial administrative level, representing over two-thirds of the total value of all cases. However, an increase in administrative processing in turn has led to a judicial backlog.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides that each person has the right to freedom of movement, to choice of place of residence, to leave the country freely, and to return. Limitations on these rights may be made only by statute and only where necessary in criminal cases, to control infectious disease, or in wartime. In practice citizens travel widely and often.

The Constitution provides for the grant of asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government has provided asylum (or “temporary protection”) to refugees but on a very limited basis in recent years. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared prosecution.

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

The Constitution provides that elections should be held at least every 4 years. Citizens have the right to change their government, voting by secret ballot on the basis of universal suffrage. The country has a mixed parliamentary and presidential system. The President proposes a candidate to the legislature for confirmation as Prime Minister, after consultations with the leaders of the political parties in the Parliament.

No restrictions hinder the participation of women or minorities in politics; however, women are underrepresented in government and politics. Of the 90 Members

of Parliament, 13 are women, while 3 of 18 cabinet ministers are women. During the October 15 Parliamentary elections, an increased number of women were nominated to run by political parties; however, the majority of these female candidates were assigned to run in districts in which their parties had little chance of winning (based on 1996 election results). The Prime Minister's Office has an active agency for monitoring and promoting the participation by women in public life.

The Constitution stipulates that the Italian and Hungarian ethnic communities each are entitled to at least one representative in the Parliament, regardless of their population.

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

Independent human rights monitoring groups promote respect for human rights and freedoms and freely investigate complaints about violations. The Government generally does not place obstacles in the way of investigations by international or local human rights groups.

An independent ombudsman appointed by Parliament deals with human rights problems, including so-called "economic rights." The incumbent is regarded as fair, but he lacks the power to enforce his opinions. In addition Parliament has been criticized as a major factor in the slow progress of property restitution ("denationalization"), casting doubt on the ombudsman's ability to alter the pace of the process. The ombudsman criticized the Government for the slow pace of legal and administrative proceedings, in criminal and civil cases, as well as in denationalization proceedings.

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

The Constitution provides for equality before the law, and the Government observed this provision in practice. According to the 1991 census, the population is approximately 2 million, of whom 1.7 million are ethnic Slovenes and the remainder are persons of 23 other nationalities. There were some 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians.

The Constitution provides special rights for the "autochthonous Italian and Hungarian ethnic communities," including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges. It also provides for special status and rights for the small Romani community, which are observed in practice.

Women.—While violence against women occurs and almost certainly is underreported, the awareness of spousal abuse and violence against women is on the rise. During 1999 and 2000, 224 persons were charged with offenses including domestic violence (82), "brutality" (25), "threat to safety" (27), and other unspecified offenses that resulted in injuries (51). In 1998 83 men were charged with rape. In 1998 10,021 misdemeanor charges of "endangering safety in a private place" were filed. Although no breakdown of victims is available by sex for 1998, records from previous years indicate that at least 40 percent, or approximately 4,000 cases, involved domestic disputes where women were threatened. Three shelters are available for battered women, which are partially funded by the State. The shelters operate at capacity (about 40 beds combined) and turn away numerous women every year. In cases of reported spousal abuse or violence, the police actively intervene, and criminal charges are filed. Although the law allows police to fine both parties in cases of domestic violence, in practice fines and arrests are reportedly confined to men only.

Slovenia is primarily a transit country for trafficking in women for prostitution, although it is also a destination country (see Sections 6.c. and 6.f.).

Equal rights for women are a matter of state policy. There is no official discrimination against women or minorities in housing, jobs, or education. Under the Constitution, marriage is based on the equality of both spouses. The Constitution stipulates that the State shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bear a disproportionate share of household work and family care, because of a generally conservative social tradition. However, women frequently are encountered in business and in government executive departments.

Equal pay for equal work for men and women is the norm. Although both sexes have the same average period of unemployment, women still are found more often in lower paying jobs. On average women's earnings are 85 percent of those of men.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provided compulsory, free, and universal primary school edu-

cation for children through grade 9 (ages 14 and 15). The Government provided universal health care for all citizens, including children.

The Constitution stipulates that children “enjoy human rights and fundamental freedoms consistent with their age and level of maturity.” Moreover, special protection from exploitation and maltreatment is provided by statute. Social workers visited schools regularly to monitor for any incidents of mistreatment or abuse of children.

There is no societal pattern of abuse of children.

People with Disabilities.—There is no discrimination against disabled persons in employment, education, or in the provision of other state services. The law mandates access to buildings for the disabled, and the Government enforces these provisions in practice. Modifications of public and private structures to ease access by the disabled continued slowly but steadily.

National/Racial/Ethnic Minorities.—Minorities make up about 12 percent of the population; most are nationals of the former Yugoslavia. Ethnic minorities face a complex reality. “Autochthonous” groups in general are provided special rights and protection by the Constitution. Three of these groups—Italians, Hungarians, and Roma—are identified in the Constitution for special treatment, and the first two are assigned representation in Parliament. Other “autochthonous” groups include some 500 ethnic Germans and fewer than 100 Jews.

However, “new minorities”—ethnic Serbs, Croats, Kosovar Albanians, and nonautochthonous Roma from Kosovo and Albania—are unprotected by special provisions of the Constitution and face some societal and governmental discrimination. Many of these 5,000 to 10,000 non-Slovene citizens of the former Yugoslavia migrated internally to Slovenia during the decades leading to independence because of the economic opportunities. Most opted not to take Slovene citizenship during a 6-month window in 1991–92 and have been living in the country as essentially stateless persons since then, while others were without residence status because of slow processing of their applications by the Government. In 1999 Parliament offered these persons permanent resident status; a 3-month window for applications closed at the end of 1999. A total of 12,862 persons applied for legal residence: 7,861 were accepted; 264 were refused; and 4,737 still were being processed at year’s end.

The Roma are best characterized as a set of groups rather than as one community. Some have lived in the country for hundreds of years, while others are very recent migrants. Police on occasion beat Roma (see Section 1.a.). A lack of cohesion prevented the Romani communities from taking advantage of their special constitutional status, although the Government also failed to implement fully the special legislation on Romani status called for in Article 65 of the Constitution. Roma report discrimination in employment, which in turn complicates their housing situation. In education the Government has attempted to involve more Romani children in formal education at the earliest stages, both through enrichment programs and through inclusion in public kindergartens. However, despite a renewed emphasis on assistance programs in the 1990’s, Roma suffer disproportionately from poverty and unemployment.

Section 6. Worker Rights

a. The Right of Association.—The Constitution stipulates that trade unions, their operation, and their membership shall be free and provides for the right to strike. Virtually all workers, except police and military personnel, are eligible to form and join labor organizations. In 1993 the Parliament for the first time passed legislation restricting strikes by some public sector employees. However, after government budget-cutting, some public sector professionals (judges, doctors, and educators) became increasingly active on the labor front.

Labor has two main groupings, the Association of Free Slovene Trade Unions, and the Union of Slovene Rail Workers, with constituent branches throughout the country. A third, much smaller, regional labor union operates on the Adriatic coast. Unions are formally and actually independent of the Government and political parties, but individual union members hold positions in the legislature. The Constitution provides that the State shall be responsible for “the creation of opportunities for employment and for work.”

There are no restrictions on unions joining or forming federations and affiliating with like-minded international union organizations.

b. The Right to Organize and Bargain Collectively.—The economy is in transition from the former Communist system, which included some private ownership of enterprises along with state-controlled and “socially owned” enterprises. In the transition to a fully market-based economy, the collective bargaining process is undergoing change. Formerly, the old Yugoslav Government had a dominant role in setting the minimum wage and conditions of work. The Government still exercises this

role to an extent, although in the private sector, wages and working conditions are agreed annually in a general collective agreement between the "social partners:" The labor unions and the Chamber of Economy. There were no reports of antiunion discrimination.

Export processing zones exist in Koper, Maribor, and Nova Gorica. Worker rights in these zones are the same as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and bonded labor, including that performed by children, and there were no reports of forced labor by adults or children; however, police reported 20 cases of trafficking in women for prostitution in 1999 (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16. Children must remain in school through grade 9 (ages 14 and 15). During the harvest or for other farm chores, younger children do work. In general urban employers respect the age limits. The law prohibits forced and bonded labor by children, and there were no reports of its use (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage is \$252 (59,150 tolar) per month, which provides a decent standard of living for the average worker and family. The workweek is 40 hours. In general businesses provide acceptable conditions of work for their employees. Occupational health and safety standards are set and enforced by special commissions controlled by the Ministries of Health and Labor. Workers have the right to remove themselves from unsafe conditions without jeopardizing their continued employment.

f. Trafficking in Persons.—The law on "enslavement" prescribes criminal prosecution for a person who "brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party" or brokers such a deal. Sentences for enslavement convictions range from 1 to 10 years' imprisonment. Persons also can be prosecuted for pimping or pandering "by force, threat or deception." The penalty ranges from 3 months' to 5 years' imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years' imprisonment.

The country was primarily a transit point for trafficking in persons, although it was also a destination country. Police interest in the issue was limited; victims were not encouraged to file complaints and very few cases were reported to the police. Police reported 20 cases in 1999 in which the country was a destination for prostitutes from Ukraine. Statistics on prosecutions were not available. The Government had no programs in place to prevent trafficking or to assist victims. There were no NGO's that dealt specifically with trafficking.

SPAIN

Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. In March Jose Maria Aznar of the Popular Party (PP) was reelected Prime Minister, with the title President of the Government. The next national elections are scheduled for March 2004. The Government respects the constitutional provisions for an independent judiciary in practice.

There are three levels of security forces. The National Police are responsible for nationwide investigations, security in urban areas, traffic control, and hostage rescue. The Civil Guard polices rural areas and controls borders and highways. Autonomous police forces have taken over many of the duties of the Civil Guard in Galicia, parts of Catalunya, and the Basque country. The security forces are under the effective control of the Government. The security forces also maintain anticorruption units. Some members of the security forces committed human rights abuses.

The economy is market based, with primary reliance on private enterprise. Although a number of public sector enterprises remain in key areas, the Government's policy has been to privatize as many of them as possible. The economy grew during the second quarter at a 4.2 percent annual rate. The annual inflation rate at the close of 1999 was 2.9 percent; in the third quarter of 2000 it was 3.6 percent. Unemployment in the third quarter dropped to 14.2 percent, continuing its downward trend.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including cases of police brutality, lengthy pre-trial detention, and delays in trials. Government investigations of alleged human rights abuses by the security forces are often lengthy, and punishments light. The Government is taking steps to deal with the problem of violence against women. Incidents of racism and rightwing violence against minorities and discrimination

against Roma continued to be problems. There were instances of forced labor and child labor. Trafficking in women for the purpose of forced prostitution was a problem.

Throughout the year there were ongoing judicial proceedings related to the involvement of former government officials in the Antiterrorist Liberation Groups (government-sponsored death squads known by their acronym, GAL), which killed 27 persons between 1983 and 1987, including 10 persons with no connection to the terrorist group Basque Fatherland and Liberty (ETA), the ostensible target of the GAL.

In December 1999, ETA ended its 14-month unilateral cease-fire and launched a new campaign of terrorism. ETA attacks claimed 23 lives during the year. ETA sympathizers also conducted a campaign of street violence and vandalism in the Basque region. Judicial proceedings against members of ETA continued. Spanish and French police arrested dozens of suspected ETA members and collaborators.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings by government agents.

No developments were reported in the following ongoing cases: The March 1997 case of a Civil guard officer who allegedly shot a Moroccan boy in the back and killed him; the appeal of police officer Antonio Barrionuevo's conviction in the 1996 killing of Portuguese citizen Manuel Abreu Silva; and the deaths of eight prison inmates under suspicious circumstances in 1996–97.

Five individuals were convicted during the year in the GAL case of Jose Ignacio Zabala and Jose Antonio Lasa, who were kidnaped, tortured, and killed in 1983. Enrique Rodriguez Galindo, a Civil Guard general, and Julen Elgorriaga, the then civil governor of Guipuzcoa, each received sentences of 71 years' imprisonment. An additional three Civil Guard officers were sentenced to 69 and 67 years' imprisonment. Miguel Brecia Guillen was sentenced in 1999 to 68 years in jail for the 1986 murder of two French citizens. The state prosecutor recommended closure of the 1984 Monbar case for lack of evidence. Other cases in which security forces are alleged to have committed murder in the mid-1980's, such as those of Ramon Onaederra, Mikel Zabaltza, and Robert Caplanne, remain open but are unlikely to be prosecuted, also due to lack of evidence.

ETA declared an end to its 14-month "cease-fire" in December 1999 and resumed its terrorist activities. ETA's declared aim is to establish an independent Basque state in the Basque region of northern Spain and southern France. By year's end, ETA car bombings and shootings resulted in the deaths of 23 victims.

The ETA attacks began on January 21 when an ETA car bomb killed Lt. Col. Pedro Blanco in Madrid. On February 22, an ETA car bomb in Vitoria killed Basque Socialist Party Spokesman Fernando Buesa and his bodyguard. On March 6, an ETA car bomb exploded in San Sebastian, injuring eight persons. ETA assailants shot and killed newspaper columnist Jose Luis Lopez de la Calle on May 7 in Navarra. On June 4, ETA shot and killed Popular Party councilman Jesus Maria Pedrosa in Durango. On June 25, an ETA car bomb injured seven in Getxo.

An ETA car bomb detonated in the central shopping district of Madrid on July 12, injuring eight people. City councilman Jose Maria Martin Carpena was shot and killed in front of his family on July 15 in Malaga. On July 16, an ETA car bomb injured the wife of a civil guard in Agreda. On July 29, Juan Maria Jauregui, former Socialist Party delegate to Guipuzcoa, was shot and killed. On August 8, an ETA car bomb killed Basque businessman Jose Maria Korta. In Madrid 6 hours later, another ETA car bomb injured 11 persons. On August 9, an ETA assailant shot and killed army Lt. Francisco Casanova in Navarra.

On August 20, ETA killed two civil guards in the northern region of Huesca by planting a bomb under their patrol car. On August 30, an ETA assailant shot and killed Popular Party town councilman Manuel Indiano Azaustre in his Guipuzcoa candy shop. On September 13, an ETA assailant shot and severely wounded Jose Ramon Recalde, a former Socialist Party Counselor, at his home in San Sebastian. On September 20, ETA assailants shot and killed Popular Party town counselor Jose Luis Ruiz Casado near Barcelona. ETA killed a military doctor in Andalucia on October 16 and a prison official in Victoria on October 22. An ETA car bomb took the life of a Supreme Court judge and three persons in Madrid on October 30. An ETA assailant shot and killed former Health Minister Ernest Lluch in Barcelona on November 11. ETA ended the year with the killing of its fifth Popular Party town counselor and a policeman, both near Barcelona. It was the bloodiest year of ETA violence since 1994. ETA publicly claimed responsibility for these attacks.

Legal actions against ETA members continued. Spain obtained the extradition of the former leader of ETA, Francisco Mugica Garmendia, from France in February. He faces charges that include involvement in 23 killings, illicit possession of explosives, and falsification of documents. In February a court sentenced ETA member Mikel Azurmendi Penagaricano to 36 years in prison for the killing of Army Lt. Miguel Peralta in 1994. On July 6, a court sentenced members of the Andalusian command of ETA to a total of 108 years in prison for crimes committed in 1997 and 1998, when the group tried to murder the then mayors of Granada and Seville. On July 25, a court convicted ETA member Ramon Aldasoro for his participation in the March 1988 bombing of a police barracks and sentenced him to 67 years' imprisonment.

In March Amnesty International (AI) appeared before the Basque Parliament and made a strong appeal for ETA to stop violating human rights through murder, kidnapping, and intimidation. AI expressed its support for the Government's 1999 compensation law for victims of ETA terror but called on the Government to compensate victims of government torture as well. AI also criticized the Government for permitting suspected terrorists to be held incommunicado for up to 5 days after arrest.

Several organizations are dedicated to the concerns of victims of terrorism, among them the Association of Victims of Terrorism (AVT). AVT was founded in 1981 and serves 1,300 families, providing legal and psychological counseling. The Government supports its work.

A Spanish extradition request for former Chilean dictator Augusto Pinochet was denied after a lengthy judicial review in the United Kingdom. Spanish courts sought to try Pinochet for his involvement in the disappearance of 600 Spaniards under Chilean and Argentine governments in the 1970's and 1980's. On March 2, the United Kingdom Minister of Home Affairs allowed Pinochet to return to Chile without trial on grounds of ill health.

No developments occurred in case of the 1999 international arrest warrants for former Argentine junta Generals Galtieri and Videla, Admiral Massera, and 95 lower ranking military officers. The High Court refused jurisdiction in December in the the criminal suit filed by indigenous Guatemalan leader Rigoberta Menchu against eight former Guatemalan military and civilian leaders for human rights abuses.

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 acts; however, suspects charged with terrorism routinely assert that they have been abused during detention, and other detainees sometimes make similar charges. The Government investigates allegations of torture and also permits outside parties to investigate them.

On May 20, Antonio Fonseca, an illegal African immigrant, died after his arrest in Arrecife. Witnesses contend that police aggressively detained Fonseca. One claimed that four officers beat Fonseca before he reached his holding cell. The police chief of Arrecife denied the accusations, claiming that Fonseca's contusions resulted from his struggle to escape. In September Interior Minister Mayor Oreja announced that two investigations and autopsies indicated that Fonseca died of natural causes and that there was no basis for prosecution of the arresting officers.

No developments were reported in the following cases from previous years: The November 1998 case of two policemen in Melilla who were charged with raping a Moroccan girl; the trial that began in November 1998 of six members of the Civil Guard who were accused of torturing three suspected ETA members in 1992; the complaint filed against the police in the beating of Ivan Gonzalez in September 1997.

In April a Madrid court sentenced a policeman to 5 years' imprisonment for the July 1994 illegal detention and beating of a man from the Madrid suburb of Majadahonda.

ETA sympathizers engaged in extensive street violence in the Basque region throughout the year. On February 25, 8 families were evacuated from their homes in Vizcaya after 30 hooded individuals threw Molotov cocktails at a bank in the central square. Molotov cocktails also were thrown into the home of Jose Luis Lopez de la Calle, member of the anti-ETA Ermua forum and columnist, on February 28. (ETA subsequently killed Lopez de la Calle in May.) Incidents of street violence in support of ETA, called the "kale barroka" in the Basque language, increased during the year: 681 acts of street violence were reported in the Basque region and neighboring Navarra during the year. The Basque police and the Spanish National Police arrested over 160 persons in connection with the street violence.

Prison conditions generally meet or exceed minimum international standards.

In Madrid prisons there were 21 reports of abuse during 1999. In the first 3 months of 2000, eight cases were reported. On February 24, 17 prisoners in San Se-

bastian's Martutene Prison began a sit-in and hunger strike in solidarity with ETA prisoner Daniel Derguy, who had been fasting for 60 days in a French prison.

No developments were reported in the March 1998 investigation into 31 cases of alleged abuse and negligence by prison officials in 1996 and 1997 that led to 8 inmate deaths. The Supreme Court awarded \$115,000 (20 million pesetas) to the family of Juan Antonio Fernandez, a prisoner who was killed by a fellow inmate in the Madrid prison of Carabanchel in March 1997.

Basque activists continued to demand that all imprisoned ETA terrorists be moved to prisons in the Basque region or the adjacent region, Navarra. As of March, 378 ETA terrorists were in jail.

The Government permits prison visits by human rights monitors, including the Council of Europe's Committee for the Prevention of Torture.

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

A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the Penal Code permits holding a suspect an additional 2 days without a hearing and the possibility of incommunicado detention, provided that a judge authorizes such action.

At times pretrial detention can be lengthy. By law suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody is usually less than a year. However, criticism is heard in legal circles that some judges use "preventive custody" as a form of anticipatory sentencing. In late 2000, approximately 20 percent of the prison population was in pretrial detention (9,446 inmates out of 44,866 total), although that number included convicted prisoners whose cases were on appeal.

The law on aliens permits detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting.

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

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and the authorities respect this right in practice. There is a nine-person jury system.

Defendants have the right to be represented by an attorney (at state expense for the indigent). They are released on bail unless the court believes that they may flee or be a threat to public safety. Following conviction, defendants may appeal to the next highest court.

The law calls for an expeditious judicial hearing following arrest. However, the AVT and others have criticized delays in the judicial process, which can result at times in lengthy pretrial detention (see Section 1.d.) and delays in trials. In cases of petty crime, suspects released on bail sometimes wait up to 5 years for trial.

Human rights groups such as the Association Against Torture and members of the press complain that many persons convicted of offenses constituting violations of human rights avoided sentencing by prolonging the appeals process and that sentences for persons convicted of such offenses are unduly light. According to AI, custodial sentences of less than 1 year and a day customarily are not served in such cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the privacy of the home and correspondence. Under the Criminal Code, government authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. The antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects this right in practice. Opposition viewpoints, both from political parties and nonpartisan organizations, are reflected freely and widely in the media.

The Catalunya regional government's failure in 1999 to renew broadcast licenses for three Catholic Church radio stations was challenged successfully in the

Catalunya Supreme Court in March. The court ruled that the criteria used by the regional government to award licenses placed disproportionate emphasis on the use of Catalan language in the programming. The government of Catalunya elected not to appeal the decision.

On March 2, the Supreme Court prohibited the radical Basque party Euskal Herritarrok (EH) from using free broadcast time in the public media. The pro-ETA newspaper Egin and its affiliated radio station (Egin Irratia) were closed in 1998. Gara—another pro-ETA newspaper—has since emerged. An investigation into the alleged subordination of Egin's editorial line and hiring practices to ETA's command and the use of coded classified ads to coordinate ETA strategy still was underway.

Academic freedom is respected.

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

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, although Catholicism is the predominant religion and receives some government funding. Jews, Muslims, and Protestants have official status and also receive some support from the Government. Other recognized religions, such as Jehovah's Witnesses and Mormons, are covered by constitutional protections but receive no assistance. Religions not recognized officially are treated as cultural associations. Religious courses are offered in public schools but are not mandatory.

There are some allegations that the Government discriminates against non-Catholic religions, principally by not providing to other churches all of the privileges accorded to the Catholic Church.

In 1999 Parliament approved a nonbinding resolution calling on the Government to reinforce measures against the activity of destructive "sects." A 1989 law on sects already had authorized the police to investigate their activities, and a special unit was created for that purpose. The resolution was preceded by press accounts of a death under unusual circumstances of a member of Jehovah's Witnesses and the arrest of the leader of a group called The Orientation in April 1999.

Also in April 1999, a Helsinki Human Rights Federation report criticized the Government for discrimination against "new religions."

The decision of the regional government of Catalunya not to renew three local radio broadcasting licenses of the Catholic Church was overturned in court in March (see Section 2.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens are free to travel within and outside the country, to emigrate, and to repatriate, and the Government respects these rights in practice.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum seekers. Under a 1994 law, asylum requests are adjudicated in a two-stage process with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing. The CIAR includes representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a nonvoting member of the UNHCR. The decision of the CIAR in each case must be approved by the Minister of the Interior.

The 1994 law eliminated the distinction between asylum status and refugee status. This distinction was eliminated to prevent applicants from drawing out judicial proceedings by applying first for refugee status and then for asylum, if the former was denied.

The UNHCR advises the authorities throughout the process. Applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities are not bound by the judgment of the UNHCR in individual cases, but they often reevaluate decisions with which the UNHCR does not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside as well as within the country. From outside anyone can request asylum from a Spanish diplomatic or consular representative. Illegal immigrants are permitted to apply for asylum. Those who lack visas or permission to enter may apply at the border or port of entry. The applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases of persons who apply inside the country, a decision must be reached within 2 months, but in cases of persons who apply at a port of entry this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours. The Ombudsman (see Section 4) challenged the legality of

this form of detention before the Constitutional Court. The Court issued a preliminary decision in which it ruled that this form of detention does not deprive the detainee of his liberty. This provisional decision allowed the Government to continue to detain applicants without modifications to its detention procedures.

Applicants have the right by law to free legal assistance, regardless of where they are when they apply for asylum. This assistance is available from the first step in the process through any appeals of unfavorable decisions. The applicant also has the right to the assistance of translators and interpreters, and the OAR admits documents in any language without requiring an official translation.

In 1999 the Government received 8,405 requests for political asylum. Only 294 of the applicants were granted refugee status. An additional 679 were permitted entrance on humanitarian grounds. In the first 5 months of 2000 the Government received 3,010 requests for political asylum. The majority of applicants came from Algeria, Romania, Sierra Leone, and Armenia. The number of persons granted asylum has dropped steadily during the past 5 years.

The ombudsman expressed his concern over the high percentage of applications not admitted for processing (68.5 percent in 1997 and 56.6 percent in 1998). However, many persons with falsified documents are rejected early in the process. Many such applicants come from politically stable but economically impoverished countries.

The Government's practice of substituting temporary admittance on humanitarian grounds for granting asylum also has been criticized. The former status includes some restrictions on access to the labor market and welfare payments, although it does grant the applicant residency and work permits. Another concern is that in some cases individuals whose asylum requests were turned down may have been expelled while their appeals were still in progress, although no statistics are available. The law allows the applicant a 15 day grace period in which to leave the country if refugee status is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begin after the 15th day.

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

A new law on immigration was passed in January and took effect in April. Although the new law does not include any specific mandates regarding work permits, it does recognize the rights of immigrants to peaceful assembly and association. The law grants eligibility for emergency health care to all immigrants and for all forms of health care to minors and pregnant women.

The new law prompted thousands of illegal aliens to seek to regularize their status. Between March and July, immigrants submitted about a quarter of a million applications. Of the 131,700 applications reviewed, 85,526 received legal status. The Government later concluded that the law, by granting illegal and legal immigrants many of the same rights, promoted increased illegal immigration. The authorities intercepted 3,569 aliens entering illegally via the Straits of Gibraltar in all of 1999. By August 2000, the authorities had already intercepted 7,833. The Government amended the immigration law in December to increase sanctions on employers who hire illegal aliens and to draw a sharper distinction between the rights afforded to legal versus illegal immigrants. Under the amended law, illegal aliens do not have the right to join unions or strike.

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

Spain is a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In the 1996 national elections, the Popular Party ended 13 years of Socialist (PSOE) rule, and Jose Maria Aznar became President of the Government. The Popular Party received an absolute majority in the 2000 parliamentary elections. The next national elections are scheduled for March 2004.

Governmental power is shared between the central government and 17 regional "autonomous communities." Local nationalist parties give political expression to regional linguistic and cultural identities.

Women are underrepresented in government and politics, although they are increasing their participation in the political process. Of 19 Cabinet Ministers, 3 are women. The President of the Senate and the Speaker of the Chamber of Deputies are women. The number of female Members of Parliament increased after the 2000 elections: of the 350 members of the lower house, 99 are women. Of 259 Senators, 63 are women. In the 1999 European Parliament elections, both the PP and PSOE

placed women at the top of their lists. On the PSOE list, 50 percent of the candidates were women.

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

A number of nongovernmental human rights groups, including the Human Rights Association of Spain in Madrid and the Human Rights Institute of Catalunya in Barcelona, operate freely without government interference. The Government cooperates readily with international organizations, international nongovernmental human rights groups, and independent national groups investigating allegations of human rights abuses.

The Constitution provides for an ombudsman, called the "People's Defender," who as part of his duties actively investigates complaints of human rights abuses by the authorities. The ombudsman operates independently from any party or government ministry, must be elected every 5 years by a three-fifths majority of the Congress of Deputies, and is immune from prosecution. He has complete access to government institutions and to all documents other than those classified for national security reasons and may refer cases to the courts on his own authority. The ombudsman has a staff of approximately 150 persons and received some 25,000 complaints during the year. The majority of the complaints pertained to education and social services, although some dealt with discrimination, domestic violence, and mistreatment by law enforcement agencies.

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

The Constitution provides for equal rights for all citizens. In 1995 the Parliament modified the Penal Code to make it a crime to "incite, publicize, or otherwise promote abuse or discrimination of people or groups" because of race, ethnicity, nationality, ideology, or religious beliefs. However, incidents of racism and rightwing violence against minorities and discrimination against Roma continued to be problems.

Women.—Sexual abuse, violence, and harassment of women in the home continued to be problems. According to the Government, at least 40 women and 6 men died as a result of domestic violence during the year. During 1999 over 25,000 women filed complaints of abuse against their husbands or partners, compared with 19,621 complaints in 1998. In 2000 5,722 criminal complaints were filed against husbands for abuse of their wives, as well as 14,846 misdemeanor complaints. However, experts believe that only 10 percent of violent acts against women are reported to the authorities. The Women's Institute, which is part of the Ministry of Labor and Social Affairs, counseled 104,856 women concerning domestic violence and legal aid in 1998 compared with 86,893 in 1997. Some nongovernmental organizations (NGO's) estimate that from 600,000 to 800,000 cases of domestic abuse occur each year.

In 1998 the Government unveiled a 3-year, \$60 million (9 billion pesetas) "Plan Against Domestic Violence." The plan criminalizes the violation of restraining orders and the infliction of psychological violence and calls for a quadrupling of the number of offices that assist victims and an expansion of medical and legal services. (Rape, spousal rape, and spousal abuse were already crimes.) Other provisions of the plan include: Public awareness campaigns in the media and in the schools; the establishment of a domestic abuse database to streamline judicial investigations; increased access of victims to public housing; and greater linkage between medical, police, legal, and counseling services in order to promote an integrated approach to treating victims. Public service announcements and press articles drawing attention to the problem of domestic violence were ubiquitous throughout the year.

Women's rights' advocates, while acknowledging that the plan incorporated many of their demands, expressed disappointment with several of its omissions. The Federation of Separated and Divorced Women criticized the plan as lacking in specifics, particularly its public sensitization campaigns. According to the Federation, the plan's key shortcoming is that it fails to make the issuance of a restraining order automatic upon filing a complaint. Currently, a restraining order is issued only after a guilty verdict.

The Government has invested over \$15.2 million (2.288 billion pesetas) in the plan. Since the plan was approved, 9 special services units and 54 Civil Guard units staffed by 110 women have been created to assist battered women. There are special sections in the police department to deal with violence against women, which are staffed by trained female officers, and there are approximately 25 shelters for battered women. There are 54 official centers in all for mistreated women. A toll-free hot line advises women where to go for government shelter or other aid if mistreated.

On April 9, the Government announced an initiative that would complete the 1998 "Plan Against Domestic Violence." The initiative calls for 5,000 lawyers specializing in domestic violence to be assigned throughout the country. The Government hopes that the presence of these lawyers will encourage women to come forward with complaints of violence or domestic abuse.

A 1999 law allows for an "immediate" divorce upon conviction of a husband for domestic violence. The socially conservative political parties (PP and nationalist parties) tended to favor this bill. Womens' groups and the more left-of-center political parties (PSOE and NI) opposed the bill, due to concern that a woman's right to divorce her abusive husband would be dependent on an inefficient legal system that often takes years to complete a single criminal proceeding.

A 1989 law prohibits sexual harassment in the workplace, but very few cases have been brought to trial under this law. Police received 319 sexual harassment complaints during the year. Meanwhile the number of women in the labor market is increasing steadily. The Government recognizes the difficulties faced by women in the workplace. According to a 1998 decree, employers no longer have to pay social security benefits to someone filling in for a worker on leave either for maternity, adopting children, or in other similar circumstances. Previously, companies hired substitutes for only 10 percent of workers on maternity leave. The Government hopes to raise this figure to 25 percent. A ministerial order to increase women's presence in sectors in which they currently are underrepresented provides a 2-year reprieve from paying social security taxes to employers who hire women in these sectors. The 1999 National Employment Action Plan gives priority to battered women who search for employment.

The Minister of Social Affairs reports that women constitute 43 percent of the work force. However, according to the Taxation Agency (Agencia Tributaria) and its 1997 report "Employment, Salaries and Pensions" completed by the Institution of Fiscal Studies, women hold only 18 percent of better paying positions. The female unemployment rate was 23 percent in 1999, down from 26.6 percent in 1998. It was still more than double the 11.1 percent unemployment rate for 1999 for men. Women outnumber men in the legal, journalistic, and health care professions but still play minor roles in many other fields.

Discrimination in the workplace and in hiring practices persists. A 1998 study of 100 labor union contracts revealed that 38 contracts failed to use gender-neutral language, 22 employed gender-specific job titles resulting in the imposition of discriminatory wage differentials (i.e., the salary of a male secretary, "secretario," was 13 percent higher than that of a "secretaria" in one food processing industry contract), and only 17 addressed the problem of sexual harassment. Discriminatory wage differentials continue to exist. A 1999 report by the General Workers' Union shows that women's salaries are 30 percent less than those of their male counterparts.

Women are equal under the law for divorce, inheritance, and business purposes.

Trafficking in women for the purpose of prostitution, primarily from Latin America and Eastern Europe, appears to be growing (see Sections 6.c. and 6.f.).

Children.—The Government demonstrates its commitment to children's welfare through well-funded and easily accessed programs of education and health care. Education is compulsory until age 16 and free until age 18. The Constitution obligates both the State and parents to protect children, whether or not born in wedlock. The Ministries of Health and Social Affairs are responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGO's further children's rights. For example a school help program for the protection of children has a team of experts who work with educators to help identify abused or abandoned children in the classroom.

The 1995 Law of the Child gives legal rights of testimony to minors in child abuse cases; it also obliges all citizens to act on cases of suspected child abuse and, for the first time, sets out rules regarding foreign adoptions. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

A 1996 penitentiary law lowered the maximum age that a child can remain with an incarcerated mother from 6 to 3 years. When the children reach their third birthday, they are sent to live with relatives or are placed in an institution. Some prisons have special units for mothers with children under age 3. The units usually include a kindergarten, psychological support, and programs for children to get out of prison regularly. Family groups with children under the age of 3 can now stay together in cases where both parents are convicts.

People with Disabilities.—The Constitution calls for the State to provide for the adequate treatment and care of the disabled, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to

public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differ from region to region and have not improved in many areas.

The Penal Code continues to allow parents or legal representatives of a mentally disabled person to petition a judge to obtain permission for the sterilization of that person. In 1994 the Constitutional Court held that sterilization of the mentally infirm does not constitute a violation of the Constitution. In practice many courts have authorized such surgery. Religious groups continue to protest this ruling.

The labor market reform laws of 1997 and 1998 worked out between the Government, labor, and management provided for incentives to hire individuals from groups underrepresented in the work force, such as the disabled. In the 1998 agreement, the Government agreed to subsidize partially the costs of hiring the disabled for part-time work.

National/Racial/Ethnic Minorities.—Public opinion surveys indicate the continued presence of racism and xenophobia, which result in discrimination against minorities. A February poll conducted by the Government's polling organization regarding attitudes towards foreigners found that Spaniards feel most identification with other Western Europeans and Latin Americans. There is less acceptance of immigrants from Morocco and sub-Saharan Africa. In February hundreds of Spanish villagers attacked the Moroccan immigrant population of El Ejido (Almeria) with baseball bats and iron rods. The riot was sparked by the murder of a Spanish woman by a Moroccan immigrant. The disturbance lasted 4 days and was followed over the course of several weeks by smaller outbreaks of anti-Moroccan immigrant violence.

On January 25, the Council of Europe cited a resurgence in nationalism, sometimes violent, which manifested itself in intolerance towards Roma, Africans, and Arabs. The Council recommended that the Government implement the antiracist provisions of the Penal Code; provide better statistics on racist attacks and vulnerable groups; deal with the marginalization of Roma and immigrants; and combat the activities of rightwing networks.

Roma continue to suffer discrimination in jobs, schools, and housing. According to a report issued by Gypsy Presence, the largest Roma-rights NGO, as many as 1 million Roma may live in the country. The organization estimates that half of this population is under 16 years of age and two-thirds are under the age of 25. The report states that one-third of Roma families are not economically self-sufficient. Romani activists attribute the high incidence of Romani informal sector employment in agriculture and peddling (an estimated 75 to 80 percent) to discrimination and historical marginalization. Although the Madrid High Court of Justice struck down in 1999 a city ordinance prohibiting peddling, Gypsy Presence reports that local authorities continue to find ways to enforce the ban. According to the organization, several other municipalities have enacted similar statutes, and this has been detrimental to the economic welfare of many Roma. Romani women suffer even more acute difficulties when seeking employment, since employers are reluctant to hire women from ethnic groups with high birth rates.

A 1998 study found that only 35 percent of Romani children are integrated fully into the educational system. About 60 percent of Romani children do not complete primary school, and only very few progress to middle school and beyond. According to a Gypsy Presence report, one-fifth of teachers describe themselves as anti-Roma, and one-fourth of students say that they would like to see Roma expelled from school. Truancy and dropout rates among Roma are very high, and Romani parents, over 80 percent of whom are functionally illiterate, often do not see the value of an education or are unaware of the educational opportunities for their children.

A shooting incident in the village of Albaladejo in 1999 illustrated the problems that even economically successful Roma can face. According to an NGO, the victim in the case was Juan Jose Garcia Garcia, who at one time was accused of drug dealing and assaulting Civil Guards but was acquitted of both charges. However, Civil Guards continued to harass him, often stopping him for identity checks or not wearing a seatbelt. According to Gypsy Presence, after being refused service at a bar, Garcia arranged to meet an employee of the bar, who later appeared at the appointed place with another man, shot Garcia, and left him for dead. Garcia was able to contact his wife by cellular phone, and help arrived in time to save him. After the two assailants were apprehended, the residents of Albaladejo turned out in force to protest their incarceration and petition for their release. The mayor often led the demonstrations. In June a court freed the two accused after they posted bond in the amount of \$3,333 and \$2,666 (500,000 and 400,000 pesetas respectively). Garcia and his family left Albaladejo.

In April 2000 the Department of Social Services announced a plan to relocate 300 Roma immigrants from a rural area to Madrid to improve their living conditions. The Roma were provided amenities such as running water, electricity, toilets, trash services, showers, and a community area in return for attending employment training. The project cost \$2 million (350 million pesetas). As of July 25, 17 of the Roma participants had secured outside employment.

Quasi-organized rightwing youth groups (called "skinheads" by the press) continued to commit violent acts throughout the year, terrorizing minorities. According to a 1999 report by the NGO Movement Against Intolerance, which the Ministry of Labor and Social Affairs helped prepare, the number of persons involved in ultrarightist groups more than quintupled since 1995: at least 10,400 citizens are known to be involved in such groups, and the actual number could be as high as 20,800. Movement Against Intolerance reported in March the presence of Spanish neo-Nazi groups on the Internet, aiming their attacks at Maghrebi immigrants. Through their web pages, these groups urged others to take violent action against all immigrants of North African descent.

In 1999 an NGO urged the Government to halt neo-Nazi activities in the formerly deserted village of Los Pedriches in the southeast. Foreign neo-Nazis were said to be organizing camps in the village. The authorities were monitoring the situation closely. After press attention, the groups reportedly left the village.

No arrests were made in July 1999 incidents in which a mosque in Gerona and a building in Banyoles that housed immigrants from Senegal and the Gambia were burned.

A language or dialect other than Castilian Spanish is used in 6 of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state," but it adds that other languages also can be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall . . . be protected."

The Law of the Catalan Language, approved by the Catalan regional legislature (Generalitat) in 1998, stipulates the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional Government. Spanish-speaking citizens have the right to be addressed in Spanish by public officials. The legislation also establishes minimum quotas for Catalan-language radio and television programming. Controversy continued over the language law implementing legislation and related regulatory measures. Facing strong resistance from film distributors, the regional government in March annulled legislation that required foreign films distributed in sufficient quantities also to be dubbed and distributed in Catalan.

In June an administrative court in Tarragona considered a challenge to a local university regulation that imposed extensive use of Catalan in university affairs. The court, although leaving some of the regulation intact and declaring itself not competent to rule on the constitutionality of the linguistic law, struck down several sections of the regulation. For example, the court found that the regulation's treatment of certain administrative issues and a requirement that staff use Catalan at all public university functions exceeded university authority and autonomy and were not in conformance with other laws. Another court challenge involved the propriety of the same university's discipline of a professor for supplying copies of the university entrance examination in Spanish, rather than Catalan, to two students requesting Spanish versions. The court ruled in December that the professor was excluded wrongly from the administration of the examinations and praised her for defending the students' rights. The court clearly implied that the university's regulation limiting access to the examination in Spanish was discriminatory and said that it was permissible to foster the use of Catalan but not to do so in a manner that excludes or limits the use of Spanish. The university administration responded that it had no intention of modifying its regulation and intended to appeal the continued suspension of certain aspects of the regulation. Notwithstanding its response, in May it began supplying the entrance examination in Spanish to those who requested it.

The European Parliament in September declined to investigate allegations brought by Spanish-speaking activists that the linguistic law discriminated against Spanish-speakers. Both Galicia and Valencia have laws stating that it is the duty of the Government to "promote" their regional languages in schools and at official functions.

The debate continued over the extent to which the Basque language (Euskera) should be promoted. The Union of Basque-Speaking Lawyers, affiliated with the pro-ETA HB political party, intensified its campaign against the use of translation services in trials of Basque-speaking citizens.

Section 6. Worker Rights

a. The Right of Association.—All workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing. About 15 percent of the workforce is unionized.

Under the Constitution, trade unions are free to choose their representatives, determine their policies, represent their members' interests, and strike. They are not restricted or harassed by the Government and are independent of political parties. A strike in nonessential services is legal if its sponsors give 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The right to strike was interpreted by the Constitutional Court to include general strikes called to protest government policy. There were 632 strikes in 1998, a decrease of 53 from 1997. The number of striking workers in 1998 was 680,500, an increase of 29,900 on the previous year. The number of workdays lost to strikes in 1998 was 1,280,900, a decrease of 555,900 on the previous year. The number of workdays lost to strikes continued to decrease in 1999 and 2000. In December government workers held a protest march and general strike over their demands for salary increases that kept pace with inflation.

Unions are free to form or join federations and affiliate with international bodies and do so without hindrance.

b. The Right to Organize and Bargain Collectively.—A 1980 statute provides for the right to organize and bargain collectively. Trade union and collective bargaining rights were extended in 1986 to all workers in the public sector except military personnel. Public sector collective bargaining in 1990 was broadened to include salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements are widespread in both the public and private sectors; in the latter they cover 60 percent of workers, notwithstanding that only about 15 percent of workers are actually union members.

The law prohibits discrimination by employers against trade union members and organizers. Discrimination cases have priority in the labor courts. The law gives unions a role in controlling temporary work contracts to prevent the abuse of such contracts and of termination actions. Unions nonetheless contend that employers discriminate in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. More than one-third of all employees are under temporary contracts.

Labor regulations and practices in free trade zones and export processing zones are the same as in the rest of the country. Union membership in these zones is reportedly higher than the average throughout the country.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited, and the law is enforced effectively; however, there were instances of trafficking in women who were forced into prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment of Children.—The statutory minimum age for the employment of children is 16 years. The Ministry of Labor and Social Affairs is primarily responsible for enforcement. The minimum age is enforced effectively in major industries and in the service sector. It is more difficult to enforce on small farms and in family-owned businesses, where some child labor persists. Legislation prohibiting child labor is enforced effectively in the special economic zones. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The law prohibits forced or compulsory labor by children, and it is enforced effectively (see Section 6.c.).

In 1998 UNICEF called for an investigation into child labor on tomato farms in Badajoz. According to Red Cross personnel providing assistance to migrant farm workers there, over 200 children under the age of 16, the majority Portuguese citizens, worked 10-hour days and earned less than \$14 (2,000 pesetas) per day. Many of the children were less than 10 years old.

e. Acceptable Conditions of Work.—The minimum wage was set in December 1999 for 2000 and is \$14.16 (2,356 pesetas) per day or \$424.80 (70,680 pesetas) per month, a 2 percent increase compared with 1999. The legal minimum wage for workers over 18 years of age is considered sufficient to provide a decent standard of living for a worker and family. The rate is revised every year in line with the consumer price index and is enforced effectively by the Ministry of Labor and Social Affairs.

The law sets a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers enjoy 12 paid holidays a year and a month's paid vacation.

Several press stories reported that illegal immigrants worked for substandard pay and in substandard working conditions. The Inspectorate of Labor reported 2,724

cases of labor rights violations related to immigrants during the first 8 months of the year.

Government mechanisms exist for enforcing working conditions and occupational health and safety rules, but bureaucratic procedures are cumbersome and inefficient. Safety and health legislation is being revised to conform to European Union (EU) directives. The 1995 Law to Prevent Labor Risks is the basis for the completion of the rest of the EU directives. The National Institute of Safety and Health in the Ministry of Labor and Social Security has technical responsibility for developing labor standards, but the Inspectorate of Labor has responsibility for enforcing the legislation through judicial action when infractions are found. Workers have firm legal protection for filing complaints about hazardous conditions, but easily replaced temporary workers may be reluctant to use this protection due to fear of losing their jobs.

f. Trafficking in Persons.—The law provides for sentences of up to 3 years' imprisonment and a fine for trafficking in persons. Trafficking in women for the purpose of forced prostitution, primarily from Latin America, Eastern Europe, and Africa, appears to be growing.

The Guardia Civil announced a plan in May to focus on trafficking in women for prostitution and made 162 arrests from May to the end of the year. In February police arrested 19 persons for trafficking in women for prostitution in Andalucia. The network controlled 235 women, most were from Eastern Europe. In March police in Taragona and Castellon arrested 7 Moldovan nationals for operating a trafficking network which brought 520 women from Eastern Europe into Spain for purposes of prostitution. In late December, the Guardia Civil arrested a network of 30 traffickers. The coordinated arrests occurred in Madrid, the Basque region, and several other cities. The women were from Latin America.

At least three such rings were broken up in 1999. One ring was run by Russians and Azerbaijanis and involved the trafficking women from Eastern Europe. Another, which police in Castilla-La Mancha broke up in mid-July, brought women to the country from Africa, Europe, and South America. In August police in Andalucia detained 51 persons and broke up a ring that trafficked women from Brazil, Colombia, and Ecuador. In all these cases, women were promised jobs and given the necessary documents to enter the country. Upon arrival their documents were seized, and they were taken to alternative clubs and forced to have up to 10 sexual encounters per day.

Most women apprehended in raids are Latin Americans who entered the country legally as tourists (most from countries whose citizens do not require visas), but who began working as prostitutes instead. Profits in the sex industry are 10 times higher than those in other occupations commonly filled by migrants (waitresses, maids, etc.). Nonetheless, officials concede that significant numbers of women are trafficked to Spain by eastern European Mafia groups that ruthlessly exploit their victims. A Chinese gang, which forced migrants to submit to abortions, was apprehended. Media attention to the issue of international trafficking in women has encouraged NGO's and others to demand protection for victims. The April immigration law provides protections for trafficking victims who cooperate with police against traffickers. Press accounts state that authorities detained 163 pimps and freed 865 foreigners from abusive situations in the first half of the year. The half-year figures surpass the totals for all of 1998. A 1999 Civil Guard study estimated that 10,000 women were working in sex clubs, of whom 90 percent were immigrants.

The NGO Doctors of the World, which works with prostitutes, estimated during the year that 60 percent of the 45,000 female prostitutes were immigrants. Doctors of the World reported that 69 percent of these immigrant prostitutes were from Sub-Saharan Africa, 21 percent were from Latin America, and 8 percent were from Eastern Europe.

SWEDEN

Sweden is a constitutional monarchy and a multiparty parliamentary democracy. The King is Chief of State. The Cabinet, headed by the Prime Minister, exercises executive authority. The judiciary is independent.

The Government effectively controls the police, all security organizations, and the armed forces.

Sweden has an advanced industrial economy, mainly market based, and a high standard of living, with extensive social welfare services.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse.

The Government has longstanding programs to deal with violence against women and abuse of children and took steps against trafficking in women. Neo-Nazi violence remained a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings.

In June a police officer was charged with breach of duty, serious ill treatment, and causing the death of another, in a March incident in which he shot a fleeing suspect. The police officer reportedly fired a warning shot, then shot the man from behind because he was convinced that the suspect was armed.

In June a prison escapee died after being caught and restrained by four prison guards. Nongovernmental organizations (NGO's) are concerned that the man may have died as a result of excessive use of force by the guards. The guards were suspended pending the results of a police investigation into the death.

The Prosecutor General closed his review of the initial investigation of a 1995 case in which a man died in police custody, acknowledging that there had been flaws in the investigation. He urged that a further, independent investigation be carried out into how the authorities had handled the different aspects of the case. No one was ever prosecuted for the death, although the two policemen involved were convicted of a minor offense in 1996. A report by the parliamentary Ombudsman concluded that the current procedure for dealing with complaints against the police was inadequate and proposed that an independent system be established. In June the Minister of Justice decided to appoint a commission of inquiry to look into past deaths in custody in order to propose safeguards. NGO's remain very interested in such cases.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the authorities generally respect such prohibitions. Complaints of the excessive use of force by the police are infrequent. Thorough investigations have produced no evidence of a systemic problem. Typically, police officers found guilty of abuse are suspended or otherwise disciplined.

Five cases of excessive use of force by policemen during the year were under investigation. Three officers were fined for excessive use of force in October 1999, but there were no reported cases of policemen being fired for committing crimes in the course of their duties—including the use of excessive force.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions. Arrests are by warrant. The police must file charges within 6 hours against persons detained for disturbing the public order or considered dangerous, and within 12 hours against those detained on other grounds. The law requires arraignment within 48 hours. The time between arrest and the first court hearing may be extended to 96 hours for detainees considered dangerous, likely to destroy evidence, or likely to flee. In cases involving more than one individual and in the case of foreigners, courts can and do order continued detention for 2 weeks at a time while police are investigating. Such detentions can be protracted, particularly in drug cases. Other than such dangerous suspects, detainees routinely are released pending trial. Bail as such does not exist. If a person files for bankruptcy and refuses to cooperate with an official investigation, a court may order detention for up to 3 months, with judicial review every 2 weeks.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system is composed of three levels of courts: District courts, a court of appeals, and a Supreme Court. All criminal and civil cases are heard first in district court regardless of the severity of the alleged crime.

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

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law limits home searches to investigations of major crimes punishable by at least 2 years' imprisonment. The authorities respect this provision. Normally the police must obtain court approval for a search or a wiretap. However, a senior police official may approve a search if time is a critical factor or the case involves a threat

to life. The national police and the Prosecutor General's Office submit a report to Parliament every year detailing all of the electronic monitoring done during the previous year. In April the Minister of Justice presented a proposal to expand the use of police wiretapping. According to the proposal, wiretapping would be allowed only if serious drug crimes or serious crimes that would result in at least 4 years' imprisonment were suspected. A parliamentary decision is likely in 2001. A court must grant permission for wiretaps on a case-by-case basis. NGO's were critical of the Ministry's proposal.

In 1997 journalistic investigations focused attention on the country's pre-1976 practice of forced sterilization. The majority of persons sterilized were disabled either mentally or physically. Such operations were known for years to have taken place under pre-World War II legislation, most of them without force. It initially was reported that between 1934 and 1976, 62,888 forced sterilizations were carried out, 95 percent of them on women. In 1999 a government-appointed commission concluded that approximately 10,000 to 15,000 of these sterilizations were forced. The commission gave priority to the question of damages to victims and also looked into the possible existence of other categories of victims. The commission concluded its inquiry in 1999, and Parliament decided to pay damages of approximately \$21,000 (175,000 krona) to each victim. By October 1,925 persons had applied for compensation. By year's end, some 1,300 had received payment. The Government allocated additional resources to pay compensation since the number of applicants far exceeded expectations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these provisions in practice. Most newspapers and periodicals are privately owned. The Government subsidizes daily newspapers, regardless of political affiliation. Broadcasters operate under a state concession. Until a few years ago, the State had a monopoly over ground-based broadcasting, but a variety of commercial television channels (one ground-based and several via satellite or cable), and several commercial radio stations now exist.

The Government may censor publications containing national security information. A quasi-governmental body excises extremely graphic violence from films, television programs, and videos.

Criticism of child pornography is widespread, and the debate on the legality of ownership of pornographic material continued. A 1999 law criminalizes the possession and handling of child pornography. It also is illegal to publish or distribute such material. The Queen remains a strong and popular advocate of children's rights and an active opponent of child pornography.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government respects this right in practice. Police require a permit for public demonstrations. The authorities routinely grant such permits, with rare exceptions to prevent clashes between antagonistic groups or due to insufficient police resources to patrol an event adequately.

The Constitution provides for freedom of association, and the Government respects this right in practice. The debate that began in 1999 over the possible criminalization of neo-Nazi organizations continued.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government respects that right in practice. The Government does not hamper the practice or teaching of any faith.

The country maintained a state (Lutheran) church for several hundred years, supported by a general "church tax" (although the Government routinely grants exemptions). However, in 1995 the Church of Sweden and the Government agreed to a formal separation, which became effective during the year, but the Church still is to receive some state support. The reform also made it possible for all religious communities to register by fulfilling certainmainly organizational—requirements. The principles governing state support to all religious communities have been laid down in a new special act of law.

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

The law and regulations incorporate the precepts of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. They are also consistent with the European Union's (EU) Dublin Convention. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees; it also provides first asylum. In keeping with international agreements, the Government reviewed applications for asylum more thor-

oughly than before. The number of applications for asylum decreased in 1999 to 11,231 (from 12,844 in 1998). Applicants included 3,576 Iraqi citizens, 1,812 from the Federal Republic of Yugoslavia, and 854 Iranians. The Government approved 5,597 applications in 1999. A total of 6,835 persons sought asylum through July 2000. Nearly 11 percent of the country's population is foreign born.

The Government carries out expeditious returns of asylum seekers from EU countries or from countries with which there are reciprocal return agreements. In many cases, asylum seekers were deported within 72 hours of arrival, and NGO's were critical of their lack of access to legal counsel. To remedy this situation, the Government is experimenting with pilot programs at selected border crossings to provide expeditious legal assistance. Most of these are cases of persons who passed through or have asylum determinations pending in other EU countries. Applications can remain under consideration for long periods of time with applicants in uncertain status. Because of the appeals process in the courts, cases can extend for several years. These cases are few in number.

The principal complaint of NGO's is that the country lacks a transparent process for making decisions in asylum cases. They maintain that the asylum procedures lack rules to guide the conduct of authorities to ensure legal protection for asylum seekers. The procedures accord great discretion to individuals in decisionmaking positions. According to the NGO's, the decisionmakers use arbitrary, unspecified, and inconsistent criteria. NGO's are particularly critical of the unclear burden of proof and the lack of an appeals process to an independent court. Four cases, in which the Government sought to return asylum seekers to countries where they feared persecution, were pending at the U.N. Committee Against Torture; the Committee was expected to review the cases in the fall of 2000.

The Government conducted a review of the safety of countries that are considered safe third countries. NGO's raised the issue of insufficient protection for returnees to countries without a reciprocal return agreement. While these countries provide safe asylum, they are often reluctant to accept asylum seekers deported from European countries. Despite the Government's review, late in the year the authorities ordered the deportation of two Iranian asylum seekers to Tehran. The deportation was halted after the U.N. Committee Against Torture decided to review both cases to determine if the individuals would face torture if returned to Tehran.

A total of 3,752 Kosovar Albanian refugees were granted temporary residence permits in 1999, initially valid for 11 months. By July more than 2,500 of the refugees had returned to Kosovo. The Government has accepted over 100,000 refugees from the former Yugoslavia. The Government provides grants to Bosnians to travel to their homeland in order to determine if they wish to be repatriated. It also provides financial incentives for returnees, but there is no forced repatriation. There were no reports of the forced return of persons to a country where they feared persecution.

In March the Government withdrew a proposal envisaging changes to its temporary protection regulations in a situation of mass immigration. The proposal was withdrawn following massive criticism by the political opposition, the UNHCR, NGO's, and the parliamentary Committee on Social Insurance.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens exercised this right most recently in 1998. Elections to the 349-member unicameral Parliament are held every 4 years.

Women participate actively in the political process and Government. They constitute 43.6 percent of the Parliament and 55 percent of the Cabinet. The governing Social Democratic Party largely kept its pledge to place women in half of all political appointments at all levels.

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

Several private organizations actively monitor issues such as the impact of social legislation, anti-immigrant or racist activities, and the condition of the indigenous Sami population. The official ombudsmen publicize abuses of state authority and may initiate actions to rectify such abuses. Government agencies are in close contact with a variety of local and international groups working in the country and abroad to improve human rights observance, and they are very open to dialog and input from these groups.

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

The Constitution provides for equal rights for all citizens, and the Government respects this provision.

Women.—A total of 19,982 reported cases of assault against women (excluding rape) were reported in 1999, compared with 20,516 in 1998. Most involved spousal abuse. In three-quarters of the assaults, the perpetrator was an acquaintance of the victim. Reported abuse against women occurs disproportionately in immigrant communities. On average 33 murders of women and girls are reported each year, half of them by men closely related to the victim. The number of reported rapes of persons over age 15 was 1,747 in 1999, compared with 1,386 in 1998. The law does not differentiate between spousal and nonspousal rape. In 1998 (latest statistics available) 4,928 cases of violence against women were prosecuted, as were 243 rape cases, 208 of which were sexual assaults on persons over age 15.

Trafficking in women from Russia and the Baltics for purposes of forced prostitution continues to be a small but serious problem (see Section 6.f.). The purchase or attempted purchase of sexual services became illegal in 1999.

The Government has longstanding programs to deal with violence against women. The law provides complainants with protection from contact with their abusers, if so desired. In some cases, the authorities help women obtain new identities and homes. The Government provides electronic alarms or bodyguards for women in extreme danger of assault. Both national and local governments help fund volunteer groups that provide shelter and other assistance to abused women. The authorities strive to apprehend and prosecute abusers. Typically, the sentence for abuse is a prison term—14 months on average—or psychiatric treatment. However, women complain about short sentences and the early release of offenders.

The law prohibits sexual harassment and specifies clearly employers' responsibilities to prevent and—if applicable—to investigate sexual harassment in the workplace and to formulate and post a specific policy and guidelines for the workplace. Employers who do not investigate and intervene against harassment at work can be obliged to pay damages to the victim. As with other forms of discrimination, women and men may take complaints to the courts or to their unions. To combat gender discrimination in the longer term, the Equal Opportunities Act requires all employers, both in the public and private sector, actively to promote equal opportunities for women and men in the workplace.

The law requires employers to treat men and women alike in hiring, promotion, and pay, including equal pay for comparable work. According to 1998 statistics, women's salaries were 82 percent of men's salaries. Adjusting for age, education, and occupational differences between men and women, women average 91 percent of men's salaries. The equal opportunity Ombudsman, a public official, investigates complaints of gender discrimination in the labor market. Women and men also may pursue complaints through the courts. A third option, and by far the most common, involves settling allegations with the employee's labor union as mediator. In 1999 gender discrimination cases by 94 women and 16 men were registered with the equal opportunity Ombudsman. The courts did not rule on any of the cases in 1999 (pending the resolution of 1 of the cases in the European Court of Justice), 11 were settled through mediation, 22 were withdrawn, and 72 were dropped. The remainder were pending. In the past, many of these cases involved salary discrimination.

All employers with more than 10 employees must prepare an annual equality plan, including a survey of pay differences between male and female employees. The equal opportunity Ombudsman reviews these plans.

Women were trafficked for the purpose of forced prostitution (see Section 6.f.).

Under the country's pre-1976 practice of forced sterilization, thousands of persons were sterilized forcibly between 1934 and 1976. The majority of those sterilized were disabled either mentally or physically, and 95 percent were women. In May 1999, Parliament decided to pay damages in such cases (see Section 1.f.).

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. The Government provides compulsory, free, and universal primary school education for children for 9 years. It also provides free medical and dental care for all children up to the age of 16 (19 for dental care). Parents receive some \$1,000 per year for each child under 16 years of age. An official children's Ombudsman monitors the Government's programs.

The Government allocates funds to private organizations concerned with children's rights. An NGO, Children's Rights in Society, offers counseling to troubled youngsters. The Government remains active internationally in efforts to prevent child abuse.

Although the physical abuse of children appears relatively uncommon, the public and authorities remain concerned by consistent data indicating an increase in cases over the past several years. The number of reported cases for children under the age of 15 rose to 5,919 in 1999, up from 5,642 in 1998. The number of reported cases of sexual abuse of children under the age of 15 was 2,969 in 1999 and 2,756 in 1998. The U.N. Children's Committee criticized the Government, stating that it provides less protection for the children of immigrant and disadvantaged groups.

The law prohibits parents or other caretakers from abusing children mentally or physically in any way. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The authorities respect these laws, and the usual sentence is a fine combined with counseling and monitoring by social workers. However, if the situation warrants, authorities may remove children from their homes and place them in foster care. Foster parents virtually never receive permission to adopt long-term foster children, even in cases where the parents are seen as unfit or seek no contact with the child. Critics charge that this policy places the rights of biological parents over the needs of children for security in permanent family situations.

People with Disabilities.—With one exception, there are no specific laws that prohibit discrimination against persons with disabilities, but considerable efforts are made to ensure that the disabled enjoy equal opportunities. A 1999 act prohibits discrimination against disabled persons in the workplace. In May the Parliament adopted a national plan on disability policy that provides for freedom of access and social support as basic rights for disabled citizens. Since 1994 the country has had an Ombudsman for disability issues. The Government provides disabled persons with assistance aimed at allowing them to live as normal a life as possible, preferably outside an institutional setting. This support may include a personal assistant for the severely disabled, plus improvements in the workplace's accessibility to wheelchairs. Government assistance also encompasses services such as home care or group living. Regulations for new buildings require full accessibility, but the Government has no such requirement for existing public buildings. Many buildings and some public transportation remain inaccessible. Deaf children have the right to education in sign language. The parents of disabled children and disabled workers under the age of 65 receive financial assistance every 7 years to buy a car adapted to the person's disability.

Under the country's pre-1976 practice of forced sterilization, thousands of persons were sterilized forcibly between 1934 and 1976. The majority of those sterilized were disabled either mentally or physically (see Section 1.f.). In 1999 Parliament decided to pay damages in such cases.

Indigenous People.—The country counts at least 17,000 Sami (formerly known as Lapps) among its 8.87 million inhabitants (Sami organizations place that number somewhat higher, 25,000 to 30,000). In 1993 the Government allowed the formation of a Sametinget, or Sami Parliament, as an advisory body to the Government. Under the current Government, Sami issues fall under the Ministry of Agriculture.

The Sami continue a protracted struggle for recognition as an indigenous people under a variety of international agreements, such as International Labor Organization (ILO) Convention 169. Historically, the Government resisted granting the Sami such rights. For example, Sami children had no right to education in their native language until the provision of such education to immigrant group children under a 1977 law forced the Government to grant Sami at least equal treatment. As a result of such education, northern Sami dialects have enjoyed a recent renaissance. However, Sami dialects in the southern portions of traditional Sami lands now may have too few native speakers to survive as living languages. In 1997 the Government initiated an inquiry into whether the country could ratify ILO Convention 169. The inquiry was published in 1999 and concluded that the country could ratify the convention, but that it should not be ratified until a number of steps relating to Sami land rights are taken. No further steps were taken during the year.

In 1994 the Government removed from the Sami the right to control hunting and fishing activities on Sami village lands, permitting instead totally unlimited hunting and fishing activity on all government property. Sami leaders continued to protest this change during the year.

Some Sami state that they face discrimination in housing and employment on an individual basis, particularly in the southern mountain regions. In January the Government officially recognized the Sami people as a national minority in the context of its ratification of the European Framework Convention for the Protection of National Minorities.

Religious Minorities.—The Government continued to take proactive steps to combat anti-Semitism by increasing awareness of Nazi crimes and the Holocaust. Under

its living history project, the Government provides educational material on the Holocaust to schoolchildren and families throughout the country. The media are also active in publicizing and condemning neo-Nazi activity.

The Government declared January 27, the anniversary of Auschwitz's liberation, as a national day of remembrance. In January Sweden hosted a large, high-level international conference on Holocaust education. The Stockholm international forum on the Holocaust was attended by over 40 countries and over 20 heads of state and government.

National/Racial/Ethnic Minorities.—Approximately 11 percent of Sweden's population is foreign born, with the largest groups being from Finland, Iran, and the former Yugoslavia. "Skinhead" and neo-Nazi related violence increased during the year. Neo-Nazi activity in the past was rarely lethal or well organized and was directed mostly at immigrants. However, cases over the last couple of years are notable for the fact that they mainly targeted white, native, non-Jewish citizens. Crimes with racial overtones increased, but only 13 per cent of the racist crimes reported could be linked directly to neo-Nazis. Violent incidents with racial overtones have averaged about 100 per year in recent years, although no official statistics are kept.

Three neo-Nazis were sentenced in January to life imprisonment for killing two police officers during the course of a May 1999 bank robbery. Two young neo-Nazis were sentenced to 11 years in prison in April for the murder of a trade union official in October 1999. A third defendant was sentenced to 4 years' imprisonment for being an accessory.

The public continued to urge a tougher stance against neo-Nazi groups. Several demonstrations against violence and racism were organized all over the country. The Government supports volunteer groups that oppose racism and xenophobia. As a result of the 1999 press campaign against 62 of the country's leading neo-Nazis, 5 were expelled from their unions, and 1 was fired from his job.

Most estimates place the number of active neo-Nazis at fewer than 2,000, and there appears to be little popular support for their activities or sentiments. Many citizens doubt whether such youth actually embrace neo-Nazi ideology, and the Government supports activities by volunteer groups working against racism. The Government investigates and prosecutes race-related crimes, although in many clashes between Swedish and immigrant youth gangs, authorities judge both sides to be at fault. Neo-Nazi groups operate legally, but serious discussion has been taking place about outlawing such groups. The Supreme Court ruled that it can be illegal to wear xenophobic symbols or racist paraphernalia. Rightwing groups, which have and exercise the right to demonstrate, are not permitted to display signs and banners with provocative symbols at their rallies.

The Ombudsman for racial discrimination reported in January that complaints of ethnic discrimination in the labor market increased by 50 percent in 1999 to 184 cases, compared with 122 cases in 1998. The increase could be linked to a new law, introduced in May 1999, which provides easier redress.

A government committee presented a report that proposed a tightening of the laws against Nazi and racist crimes. The committee proposed that a new charge be introduced, "seriously disorderly conduct," in order to be able to prosecute people for crimes that do not fall under "agitation against ethnic groups."

In January the Government decided to ratify the Council of Europe's Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The decision implies that the Sami people, Swedish Finns, Tornedal-Finns, Roma, and Jews are recognized as national minorities. It means that the Government should support and protect minority languages such as Sami, Finnish, and Yiddish. A new law that gave effect to the conventions entered into force on April 1.

Section 6. Worker Rights

a. The Right of Association.—The work force is approximately 80 percent unionized. Career military personnel, police officers, and civilian government officials, as well as private sector workers in both manufacturing and service industries, are organized. Most business owners belong to counterpart employer organizations.

Unions and employer organizations operate independently of the Government and political parties (although the largest federation of unions has always been linked with the largest political party, the Social Democrats). The law protects the freedom of workers to associate and to strike, as well as for employers to organize and to conduct lockouts. Within limits protecting the public's immediate health and security, public employees also enjoy the right to strike. These laws are respected fully and are not challenged.

Unions have the right to affiliate with international bodies. They are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation among others.

b. The Right to Organize and Bargain Collectively.—Management-labor cooperation tends to be excellent and nonconfrontational. Labor and management, each represented by a national organization by sector (for example retailers and engineering industries), negotiate framework agreements every 2 to 3 years. More detailed company-level agreements put such framework agreements into effect at the local level. New framework agreements were signed during 1998, with most valid until 2001. In contrast with the recent past, most agreements with labor unions now provide for a degree of individualized pay, including merit bonuses.

The law provides both workers and employers with effective mechanisms for resolving complaints. The vast majority of complaints are resolved informally. The law protects union officials and members from dismissal or reprisals for official union activities. In some instances, unions even demand collective agreements regardless of the views and union status of employees. The Government is studying ways to strengthen the system of public mediation. During the year, a new government office, the Mediation Institute, began functioning. During 1999 there were seven legal and two illegal strikes. No strikes or lockouts were reported during the year, apart from two small wildcat actions in October.

Agreement was reached in 1997 between 12 employer associations and 8 unions representing 800,000 manufacturing employees on steps to prevent strikes and lockouts, such as requiring serious wage negotiations to start 3 months before a collective agreement expires and appointing a mediator if an agreement has not been reached after 2 months. As a result of this agreement, wages increased by approximately 3 percent in 1998 and a further 3 to 3.5 percent in 1999. Similar agreements were signed in the municipal sector and in the retail-commercial and service sectors. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and the authorities effectively enforce this ban. The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively. However, women are trafficked to the country for the purposes of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Compulsory 9-year education ends at age 16, and the law permits full-time employment at that age under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. During summer and other vacation periods, children as young as 13 years may work part time or in “light” work with parental permission. Union representatives, police, and public prosecutors effectively enforce this restriction. The law prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work.—There is no national minimum wage law. Wages are set by collective bargaining contracts, which nonunion establishments usually observe as well. Even the lowest paid workers can maintain a decent standard of living for themselves and their families through substantial benefits (such as housing or day care support) provided by social welfare entitlement programs. However, cutbacks in these programs have made it harder for some workers to make ends meet, particularly low-paid single women with children.

The standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. For workers not covered by a labor agreement, the law stipulates a limit for overtime at 200 hours a year, although exceptions may be granted for key employees with union approval; some collective bargaining agreements put the limit at 150 hours. The law requires a rest period after 5 hours of work but does not stipulate a minimum duration; in practice it is usually 30 minutes. The law also provides all employees with a minimum of 5 weeks of paid annual leave; labor contracts often provide more, particularly for higher ranking private sector employees and older public service workers. Amendments to the labor law in 1997 made it easier for employers to hire workers for limited periods, as well as empowering local unions to agree to exceptions to last-in, first-out laws.

Currently the focus of concern is on the psychosocial aspect of health and safety. Occupational health and safety rules are set by a government-appointed board and monitored by trained union stewards, safety ombudsmen, and, occasionally, government inspectors. These standards are very high, making workplaces both safe and healthy. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. An individual also has the right to halt work in dangerous situations in order to consult a supervisor or safety representative.

f. Trafficking in Persons.—The law does not prohibit such trafficking, although traffickers are prosecuted under other statutes. Women are trafficked to the country for forced prostitution. In 1999 the Government initiated six court cases against individuals involved in trafficking. The 11 cases prosecuted in 1998–99 resulted in 6 convictions. All of the accused traffickers are Swedish residents with family and personal ties to Central and Eastern Europe and the Middle East. The affected women in these cases, numbering 200 to 500 per year, came principally from Central Europe, the Baltic states, and Russia. The women typically are recruited in their own countries to come and work as cleaners, babysitters, or similar employment. Some reportedly were “purchased” from other traffickers and brought into Sweden. A 1998 baseline report stated that considerable additional information available to the police suggests that the problem of trafficking is more widespread than the few prosecutions indicate.

The Government and the EU provided funds to the Foundation of Women’s Forums to combat trafficking in women in the Nordic and Baltic nations by creating interactive networks that link NGO’s and research institutions that deal with prevention and the rehabilitation of trafficked women.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the Federal Council, the highest executive body, whose presidency rotates annually. Because of the nation’s linguistic and religious diversity, the Swiss political system emphasizes local and national political consensus and grants considerable autonomy to individual cantons. Voters approved a new Constitution in April 1999 that came into force on January 1, 2000. The judiciary is independent.

The armed forces are a civilian-controlled militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties are primarily a responsibility of the individual cantons, which have their own police forces that are kept under effective control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. There were allegations of occasional abuses by police.

Switzerland has a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living is very high.

The Government generally respects human rights, and the law and judiciary provide effective means of dealing with individual instances of abuse. There continue to be allegations by nongovernmental organizations (NGO’s) of occasional police harassment directed against foreigners, particularly asylum seekers, including arbitrary detention. Violence against women is a problem, and the Government is continuing to take serious steps to address it. Trafficking in women for forced prostitution increased. Some laws still tend to discriminate against women. There continue to be reports of verbal abuse against foreigners by private citizens.

The new Constitution approved by voters in 1999 provides for new protection for citizens’ rights, including the principle of equal opportunity for the disabled and the right to strike.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings.

Human rights groups strongly criticized police for the death of 27-year-old Palestinian Khaled Abuzarifeh, who died at Zurich-Kloten airport while being forcibly deported in March 1999. In January Zurich cantonal authorities announced that forensic tests showed that Abuzarifeh died of suffocation. For deportation he was strapped into a wheelchair and adhesive tape was placed over his mouth to prevent him from shouting. According to airport police, such restraints were permitted because Abuzarifeh’s physical resistance thwarted a first deportation attempt. Cantonal authorities claim no longer to be using adhesive tape to cover the mouth during deportations. In connection with Abuzarifeh’s death, three police officers and a doctor were placed under formal investigation of charges of manslaughter by culpable negligence.

Fulgence Niyonteze, the former mayor of the Rwandan town of Mushubati, sought asylum in Switzerland in 1994 and was arrested in 1996. In May 1999, a military

court convicted him of crimes committed during the 1994 genocide, including murder (taking part in the massacre of Tutsis), attempted murder, incitement to murder, and war crimes. He was sentenced to life imprisonment. Niyonteze was tried by a military tribunal because Swiss law stipulates that alleged war crimes and violations of the Geneva Conventions be tried by a military tribunal.

On May 26, 2000, a military appeal court heard Niyonteze's appeal of his sentence of life imprisonment. The court found Niyonteze guilty of war crimes and violations of the Geneva Conventions but dropped the first charges of murder and incitement to murder and declared that a military tribunal had no authority to try such offenses when committed abroad by a civilian. The military appeal court sentenced Niyonteze to 14 years in prison. Both the public prosecutor and Niyonteze filed appeals of the sentence.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution proscribes such practices, and there were no reports of violations. There were allegations by NGO's and some individuals of occasional police harassment of foreigners, particularly asylum seekers (see Section 2.d.).

Brazilian national Luis Felipe Lourenco was arrested in 1998 in Geneva on charges of theft of a credit card. A prison guard allegedly beat him while he was in custody. Prison authorities reportedly waited 2 hours before transporting Lourenco to the hospital, where he was diagnosed with a perforated lung and damage to his spinal cord. Lourenco is paralyzed in all his limbs as result of the injuries that he claims to have suffered while detained. The prison administration maintained that Lourenco's injuries were incurred when he threw himself against a door.

On August 28, a Geneva magistrate decided not to indict the guard for negligence causing bodily harm, as Lourenco had demanded, on the grounds that there was insufficient evidence for criminal charges. The magistrate based the decision primarily on the results of a medical study of Lourenco's injuries but also took into consideration the guard's previously unblemished record. In their report, the three medical experts consulted by the magistrate stated that they failed to establish the truth with certainty, but that they deemed the guard's version of events, that Lourenco's injuries were self-inflicted, more plausible. In October Lourenco's lawyers filed an appeal of the magistrate's decision with the Geneva Criminal Court.

No new developments occurred in the case of Clement Nwankwo, a Nigerian human rights monitor who accused the Geneva police of mistreatment during his arrest in 1997. Having exhausted domestic remedies unsuccessfully, Nwankwo is appealing his case to the European Court of Human Rights. NGO's believe that the Nwankwo case underscores overall problems with police treatment of foreigners, especially asylum seekers in Geneva and perhaps elsewhere. Their concern was echoed in a 1997 report by the U.N. Committee Against Torture, which expressed concern about "frequent allegations of ill-treatment" inflicted in the course of arrests and police custody. The report also noted a lack of independent mechanisms in the cantons to provide certain legal protections such as the possibility, "especially for foreigners," to contact their family or a lawyer in case of arrest and to be examined by an independent doctor on entering police custody, after each interrogation, and before being brought before an investigating magistrate or being released. Responding to these concerns, in 1998 a team of experts appointed by the Federal Office of Justice presented a preliminary study identifying possible characteristics of a future federal-level code of penal procedures that would replace the cantonal codes. The study recommends granting fundamental protections to detainees in police custody, including the introduction of a legal right to inform relatives or third parties of their arrest. However, the committee did not recommend a provision for access to a lawyer from the time of arrest.

Prison conditions meet minimum international standards, although some NGO's complain of prison overcrowding. The Government has taken measures to improve prison conditions and address overcrowding. The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The legal prohibitions on arbitrary arrest and detention generally are respected at all levels of government. The cantons are responsible for handling most criminal matters, and procedures vary somewhat from canton to canton. In general a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate. However, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. Some NGO's alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.). A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney by the time an arrest warrant is issued. The State provides free legal assistance for indigents who may be jailed pending trial. Investigations are generally prompt, even if in some

cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. During the year, about onethird of all prisoners were in pretrial detention, and the average length of such detention was 52 days.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

All courts of first instance are local or cantonal courts. Citizens have the right to appeal, ultimately to the Federal Court.

Minor cases are tried by a single judge, difficult cases by a panel of judges, and murder (or other serious cases) by a public jury. Trials usually are held expeditiously. The Constitution provides for public trials in which the defendant's rights are fully respected, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Cantonal laws regulate police entry into private premises. These regulations differ widely from canton to canton, but all prohibit such practices without a warrant. All government authorities respect these provisions, and violations are subject to effective legal sanction.

Instances of forced sterilization of women resurfaced in public debate during the year. In 1981 the Swiss Academy for Medical Science decided that forced sterilization is not permissible if a person is incapable of understanding the consequences. This guideline is undergoing revision because of what the Academy calls a changed social understanding of the sexuality of the mentally disabled. Although no data indicates that more pregnancies occur when disabled women and men live together in homes, the Academy considers its guideline outdated. Draft legislation to revise the Academy's position is in parliamentary consultation. The draft would permit forced sterilization in cases when no other form of contraception is usable.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. The authorities legally may restrict these freedoms for groups deemed to be a threat to the State, but no groups were restricted during the year. In addition an article of the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

Parliamentary immunity protects parliamentarians from prosecution for acts that relate to their government position. However, following a 1998 incident in which a national councilor, Rudolf Keller, made anti-Semitic remarks and could not be prosecuted because Parliament refused to lift his immunity, the upper house of Parliament voted in 1999 for its partial abolishment. However, the National Council, the lower house of Parliament, rejected the legislative proposal twice, the second time in October, thus preserving the existing rules.

The nationwide broadcast media are government funded but possess editorial autonomy. Private and foreign broadcast media operate freely.

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

c. Freedom of Religion.—The Constitution provides for complete freedom of religion, and the Government generally respects this right in practice. There is no single state church, but all cantons support at least one of the three traditional denominations—Roman Catholic, Old Catholic, or Protestant—with public funds. In all cantons, an individual may choose not to contribute to church funding. However, in some cantons, private companies are unable to avoid payment of the church tax. A religious organization must register with the Government in order to receive tax-exempt status. There have been no reports of a religious group applying for the "church taxation" status that the traditional three denominations enjoy.

Foreign missionaries must obtain a "religious worker" visa to work in the country. Requirements include proof that the foreigner would not displace a citizen from doing the job, that the foreigner would be financially supported by the host organization, and that the country of origin of religious workers also grants visas to Swiss religious workers.

Religion is taught in public schools. The doctrine presented depends on which religion predominates in the particular canton. However, those of different faiths are

free to attend classes for their own creeds during the designated class period. Atheists also may be excused from the classes. Parents also may send their children to private (parochial) schools or teach their children at home.

In July 1999, the Business Review Commission of the National Assembly issued a report entitled "Sects or Assimilative Movements in Switzerland," containing recommendations to the Government on the need for state involvement and the creation of national policy. The Commission recommended that the Government formulate a "sect" policy and coordinate the cooperation of researchers and informational and counseling committees. In June 2000, the Government rejected the Business Review Commission's recommendation to formulate a national sect policy. The Government stated that such a policy would conflict with the constitutional right to freedom of religious beliefs. The Government also opposed the creation of a National Information and Counseling Center pointing out that religious matters fall under the jurisdiction of the cantons.

In 1998 the city of Basel passed a law banning aggressive tactics for handing out flyers. This action was prompted by complaints about Scientologists' methods. In June 1999, Scientology lost a bid in the country's highest court to overturn a municipal law that barred persons from being approached on the street by those using "deceptive or dishonest methods." The Court ruled that a 1998 Basel law, prompted by efforts to curb Scientology, involved an intervention in religious freedom but did not infringe on it.

The city of Buchs, St. Gallen, also passed a law modeled on the Basel law. However, it is still legal to proselytize in nonintrusive ways, such as public speaking on the street or by going door-to-door in neighborhoods.

In Zurich in June 1995 Scientologists appealed a city decision that prohibited them from distributing flyers on public property. In September 1999, a higher court decided that the Scientologists' activities were commercial and not religious, and that the city should grant them and other commercial enterprises such as fast food restaurants more freedom to distribute flyers on a permit basis. Fearing a heavy administrative and enforcement workload, the city appealed to the Supreme Court. The Supreme Court decision rejected the appeal in June 2000, reinforcing the decision by the previous court that the Scientologists' activities were commercial in nature. The Supreme Court decision is expected to establish a nationwide legal guideline on the issue.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Under the Constitution and the law, citizens are free to travel in or outside the country, to emigrate, and to repatriate. Non-Swiss convicted of crimes may receive sentences that include denial of reentry for a specific period following the completion of a prison sentence.

Switzerland traditionally has been a haven for refugees, but public concern over the high number of asylum seekers entering the country in the wake of the Kosovo conflict generated domestic political pressure on the Government in 1999 to tighten its policy regarding their acceptance. The Government granted temporary asylum to approximately 63,000 Kosovars seeking refuge from the armed conflict. Following the end of hostilities and the deployment of the international protection force, the Federal Council in August 1999 deemed a return of refugees to Kosovo justifiable and ended its policy of granting temporary asylum collectively.

The Government initially offered material and financial aid to refugees leaving the country voluntarily. Some 32,000 Kosovars accepted this offer, which ended in May. Since June the Government proceeded with forced repatriations, expelling by the end of August some 4,300 Kosovars—178 of them on special flights in police custody. In May the Federal Government granted a delay in departure dates in some 4,000 cases that involved individual hardship (families with children in school, members of ethnic minorities, the elderly, the sick, single mothers, and pregnant women). In December approximately 1,500 Kosovars with expired temporary residence permits remained in the country. In coordination with the U.N. Mission in Kosovo, the Government agreed to slow the flow of repatriations in December and in January 2001.

In August the umbrella organization of refugee aid NGO's criticized the Federal Government for some forced repatriations of Kosovo refugees that they termed excessively harsh and inhumane. Another human rights group, Eyes Open, criticized Zurich cantonal police practices in the compulsory repatriations of failed asylum seekers (see Section 1.c.). The group noted that the excessive use of hand and leg restraints in the return of Congolese asylum seekers in August gave the impression that they were criminals.

The 1999 asylum law provides for the collective admission of victims of violence and authorizes the Federal Council to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time,

the law is designed to curtail the misuse of asylum regulations and to enable the more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who cannot credibly justify not having identity papers. In such a case the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGO's contend that such a short time span does not constitute an effective remedy and therefore violates the European Convention on Human Rights.

Some human rights NGO's have charged the authorities with abuses in connection with the implementation of a 1995 amendment to the Law on Foreigners. The amendment is aimed at asylum seekers or foreigners who live illegally in the country and who are suspected of disturbing the public order or avoiding repatriation. In particular these groups have alleged instances of abuse by police, including arbitrary detention as well as denial of access to established asylum procedures at the country's two main airports. They also charge that police officers use the law to detain or harass asylum seekers who were not suspected of having disturbed public order. Under the law, police actions are subject to judicial oversight, and the Federal Court overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. While NGO's claim that the situation with regard to arbitrary detention has improved, they contend that the denial of access to asylum procedures at the two airports is increasing.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The Federal Office for Refugees estimated that in August the total number of asylum applicants and temporary residents living in the country was 143,000. (This included recognized refugees, persons granted temporary asylum, as well as those who either have a first asylum application pending, appealed against a rejection, or were currently awaiting repatriation.) A year earlier, in the aftermath of the Kosovo war, the figure stood at 182,000. Some 11,000 new applications for asylum were submitted by the end of August, 72 percent less than during the same period last year. Refugees whose applications are rejected are allowed to stay temporarily, if their home country is experiencing war or insurrection. The Government denies having forced persons to return to countries where they have a well-founded fear of persecution and insists that each case is examined carefully. However, NGO's including the well-known Eyes Open organization have accused the Government of sometimes expelling rejected asylum seekers even though conditions in their native country remain unfavorable.

In December the independent commission of experts under Professor Bergier published a supplement to its 1999 report. The commission found that the Government systematically expelled Roma (Gypsies) or turned them away at the border during much of the 20th century, including during World War II. Thus Switzerland refused asylum to Roma who faced persecution in Nazi-occupied territory. The commission report does not indicate the number of rejected applicants. In response to the Bergier report, the Government expressed to the Roma communities its deep regret over its policy prior to, during, and after World War II. In its statement the Government mentioned the foundation of "A Future for Swiss Itinerants," a fund that it established in 1997 and endowed with \$600,000 (1 million Swiss francs) to improve living conditions for Roma.

In the same statement, the Government referred to its earlier statement following issuance of the Bergier commission report in December 1999, in which the Government apologized for its asylum policy during World War II, when thousands of Jewish refugees were refused entry to the country (see Section 5).

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

The Constitution provides citizens with the right to change their government peacefully (at local, cantonal, and federal levels), and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In addition initiative and referendum procedures provide unusually intense popular involvement in the legislative process. In April 1999 voters approved a new Constitution.

Women remain underrepresented in government and politics. They were disenfranchised until 1971 at the federal level, but since then their participation in politics has continued to expand. In 1999 Ruth Dreifuss served as the first female President. Women occupy 55 of the 246 seats in the Parliament, 2 of 7 seats in the Federal Council (Cabinet), roughly one-fourth of the seats in the cantonal government executive bodies, and one-fifth of the seats in the communal executives. In

1999 the electorate overwhelmingly rejected a popular initiative to mandate equal gender representation in all federal institutions by a ratio of four to one.

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

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

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

The Constitution and laws prohibit discrimination on the basis of race, sex, religion, language, or social status. The Government generally enforces these prohibitions effectively, although some laws tend to discriminate against women. The new Constitution includes provisions for equal rights for the disabled and for minorities.

Women.—Violence against women is a problem. According to a 1997 government-funded study on domestic violence, one-fifth of all women suffer at least once in their lifetimes from physical or sexual violence, and about 40 percent suffer from psychological or verbal abuse. Another 1998 study estimates that over 100,000 cases of domestic violence occur each year.

The law prohibits wife beating and similar offenses. Spousal rape is a crime in the Penal Code. Victims of domestic violence can obtain help, counseling, and legal assistance from specialized agencies or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. Police have specially trained units to deal with violence against women, and victims legally are entitled to be heard exclusively by female police officers and judges. A total of 732 women and 722 children took refuge in 14 women's shelters across the country during 1999. Those in charge of the shelters estimate that nearly as many were denied access due to a lack of space and limited funding.

The difficulty in gathering information about the number of prosecuted, convicted, or punished spouse abusers stems in part from the fact that legal cases are handled by each canton and data are often not up-to-date. According to 1998 police criminal statistics, 314 men were investigated for rape offenses, and 84 were sentenced.

The Federation of Women's Organizations and numerous other women's NGO's have heightened public awareness of the problem of violence against women. In 1998 two government-supported women's organizations that fight for equal gender rights jointly conducted the first national campaign against violence in relationships. This campaign received extensive media coverage.

Prostitution is legal; however, working by foreigners without a valid permit is illegal. The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women is a problem (see Sections 6.c. and 6.f.).

Although the new Constitution prohibits all types of discrimination, and a 1981 amendment provides for equal rights, equal treatment, and equivalent wages for men and women, some laws still tend to discriminate against women. A 1988 federal marriage law provides that in the event of a divorce, assets accumulated during the marriage will be divided equally. However, the Supreme Court ruled that the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man is the primary wage earner in most marriages, when the income is too low to support both parties, it is usually the wife (and children) who are forced to survive on public assistance. Statistics from 1999 show that nearly 70 percent of women who did not work outside the home while married fell below the poverty line immediately after a divorce. Although mandated by a constitutional amendment in 1945, no federal law on maternity insurance exists.

Immigrant women married to a Swiss husband (or immigrants with long-term residence permits), who have lived in Switzerland for less than 3 to 5 years from date of marriage (length depends on country of origin, education, and income level), cannot divorce their husbands without the risk of having to leave the country. Their purpose for being in Switzerland officially is registered as "stay with spouse" until they receive their own long-term residency permits, and they are in danger of losing permission to remain if they divorce. NGO's argue that this prevents women with problems from being able to seek help—or leave their husbands—without serious consequences.

A 1996 law includes a general prohibition on gender-based discrimination and incorporates the principle of "equal wages for equal work." The law also includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment.

The Federal Office for Equal Opportunities for Men and Women and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. In 1999 a federal level interdepartmental working group issued an action plan that outlined strategic goals and measures to improve the situation of women. These include measures in the areas of education, health, violence against women, the workplace, human rights, the media, and the environment. For example, the plan calls for financial support for child care facilities at colleges and universities to enable a larger number of women to obtain a higher education; continued education and support for specialists in the area of addiction prevention for women; and ongoing analysis and data collection on the issue of wage differences between men and women. The working group that issued the plan in 1999 is scheduled to reconvene in January 2001 to draft a report to Parliament due in 2002 on federal implementation of the action plan.

On average women earn 20 to 30 percent less than men. A June study found that discriminatory behavior by employers accounts for 60 percent of the overall wage gap between men and women. Women also are promoted less often than men. Individual cases of denial of equal pay for equal work are subject to the 1996 law. In 1998, the most recent year for which data are available, 26.3 percent of women between the ages of 15 and 61 were not in the work force; of those in the work force 50.5 percent worked full time. Women hold 83 percent of all part-time jobs.

The issue of pre-1970's forced sterilization of some women resurfaced in the media this year, when the Swiss Academy for Medical Science decided to review its guidelines for the practice (see Section 1.f.).

The law prohibits women from working during the 8 weeks after the birth of a child. Further measures also protect pregnant and breast-feeding women. For example, pregnant women are not allowed to work night shifts during the 8 weeks prior to giving birth. The law does not provide for compensation; however, 72 percent of working women have negotiated maternity benefits with their employers. In June 1999 voters rejected a government proposal in a referendum for 14 weeks of paid maternity leave at 80 percent pay for working women. The plan would also have given low-income new mothers a one time premium. (The Parliament had passed draft legislation in December 1998 that provided for the maternity benefits mandated by the Constitution in 1945.) It was the third time that a maternity benefits scheme had been rejected in a popular referendum in 15 years. Hundreds demonstrated to protest the vote, and a new proposal appeared in the National Council in July 2000. In alignment with the European Union, it again called for 14 weeks of paid maternity leave and asked employers for full pay during the first 8 weeks as is consistent with the law prohibiting women from working in the first 8 weeks after birth. The new proposal leaves out the subsidy for nonworking mothers. The Council of States, the upper house of Parliament, followed the lead of the National Council in December, and obliged the Federal Government to work out a new maternity benefits scheme along the lines of the July 2000 proposal. Meantime, women in Geneva Canton will have paid maternity leave beginning in July 2001; on December 14 the cantonal parliament passed legislation providing for a 16-week leave following delivery at 80 percent of salary for all women who previously worked in the canton for a minimum of 3 months. However, the law is still subject to federal approval.

Children.—Despite the fact that the Government has no special program for children and that there is no special governmental office for children's matters, the Government demonstrates its strong commitment to children's rights and welfare through a well-funded public education system and need-based subsidies of health insurance. Schooling is free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offer a 10th school year. The Government subsidizes the health insurance premiums of low-income families.

The federal and cantonal governments, as well as about 80 NGO's that defend children's rights, have devoted considerable attention in recent years to child abuse, especially sexual abuse. For convicted perpetrators of the latter, the law provides for imprisonment of up to 15 years. In 1997 amendments to the Federal Penal Code came into effect that provide for an increase in the statute of limitations in cases of child abuse from 5 to 10 years. In severe cases of sexual abuse, the statute is to begin to take effect only when the victim turns 18. There is no societal pattern of abuse of children.

To combat child pornography on the Internet, the Federal Office for Police provides an Internet monitoring service on its World Wide Web page. Individuals who find pornographic material involving children are asked to contact the Federal Office via e-mail. According to the Penal Code, the production, possession, distribution, or showing of hard pornography are punishable with fines or prison sentences. Any pornography involving children falls into this category. In March 1999 an NGO pub-

lished the first compilation of cases of child pornography and prostitution in the country. The study cited 60 cases. Most of the victims were girls between 13 and 17 years of age.

With respect to child abuse abroad, the law provides for prosecution only if the act is considered a crime in the country in which it took place. Experts have proposed making such acts punishable in Switzerland regardless of where the crime took place, but there was no legislative action on the problem during the year.

Parliament's 1997 ratification of the U.N. Convention on Children's Rights included five reservations, the most important of which concerned children of migrant seasonal workers who are not permitted automatically to join their parents. Children of foreigners working as migrant laborers are only permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their homeland for 1 month. The Government reexamined the necessity for these reservations and included its conclusions in its first report to the Committee on Children's Rights in November. All five reservations still apply.

In June the Government ratified ILO Convention 182 forbidding the worst forms of child labor (including child prostitution, forced labor, and using children for illegal activities such as drug dealing).

People with Disabilities.—The law prohibits discrimination directed at disabled persons in employment, education, and the provision of other state services. Advocates for the disabled have called for new measures to ensure greater protection for their rights, including easier access to buildings and public transportation. However, the Government has not mandated that buildings or transportation facilities be made accessible. Article 8 of the new Constitution (in effect as of January 1) provides for equal opportunities for the disabled. However, it does not include provision for making public buildings and facilities accessible. The upper house of Parliament discussed this addition in June and decided that the requirements for equal treatment as contained in the Constitution were sufficient to meet the demands of the disabled.

A 1995 law exempts disabled men from the tax imposed on those who have not fulfilled their military duty.

Religious Minorities.—In response to the issue of Holocaust era assets, the Government and private sector initiated a series of measures designed to shed light on the past, provide assistance to Holocaust victims, and address claims to dormant accounts in Swiss banks. The independent commission of experts under Professor Jean-Francois Bergier, charged with examining the country's wartime history and role as a financial center, issued its report in December 1999 and found that there were more than 24,000 documented rejections of asylum seekers during the World War II period, including a large number of Jewish refugees who were refused asylum even after authorities were aware of the dangers that they faced from the Nazis.

The Federal Council issued a statement that repeated its previous apology for policy errors made during World War II and stated that its asylum policy "was marred by errors, omissions, and compromises." Also in December 1999, the Independent Committee of Eminent Persons under Paul Volcker released its report on "dormant accounts of victims of Nazi persecution in Swiss banks." The report represents the culmination of a 3-year investigation into the fate of victims' accounts. The Volcker report recommended that the Swiss Federal Banking Commission publish about 26,000 account holders' names, based on their probable or possible identity as Holocaust victims. The report also made recommendations on the means of resolving claims by victims of Nazi persecution or their heirs and the appropriate treatment of dormant accounts in the future.

The Swiss Special Fund for Needy Holocaust Victims received approximately \$190 million (323 million Swiss francs) in contributions from the private sector and the Swiss National Bank. By September the fund had allocated but not yet fully paid out an initial contribution to Holocaust survivors in Israel, Australia, Germany, Latin America, and Eastern Europe. In total some 310,000 persons, 88 percent of them Jewish, are expected to benefit from the fund. On March 31, 1999, the Government's World War II task force became the Switzerland-World War II Office, which remains engaged in supporting progress on resolving Holocaust assets issues. A \$1.25 billion (2.12 billion Swiss francs) settlement of the class action lawsuit filed in the United States district court in Brooklyn, New York, against Swiss banks was announced in August 1998, completed in January 1999, and formally approved by the New York judge on July 26, 2000.

A provisional plan of allocation and distribution was announced on September 11. The plan earmarks up to \$800 million (1.36 billion Swiss francs) to cover outstanding claims against Swiss banks; the remaining sum is to be paid out to World War II forced laborers as well as refugees who were denied entry to or were harmed

while detained in Switzerland. To be included in the settlement and thus avoid further class action suits, 37 Swiss industrial firms notified the New York court that their subsidiaries employed forced labor during World War II.

The Swiss National Bank released a report in 1999 that stated that its officials ignored warnings that they were buying looted Nazi gold. The bank has contributed approximately \$70 million (110 million Swiss francs) to the Swiss Special Fund for Needy Holocaust Victims.

Two Swiss life insurers, both explicitly excluded from the \$1.25 billion settlement, participate in the ongoing efforts by the International Commission on Holocaust Era Insurance Claims to establish a formula and just sum for compensating Holocaust victims or their families for policies they held. Both companies agreed to resolve outstanding claims of unpaid insurance policies submitted within a period of 2 years, starting in February and ending in 2002. The Federal Council is seeking legislation to establish a solidarity fund, which would assist victims of human rights violations, including those who suffered in the Holocaust. In May the Federal Council endorsed and returned to Parliament revised legislation concerning a Swiss Solidarity Foundation. Under the modified act, the foundation would dispose of the proceeds from the management of 500 tons of central bank gold reserves recently declared "excess." The Solidarity Foundation act has yet to be approved by Parliament. The alternative use of the extra gold reserves will be subject to a mandatory referendum.

In the context of the discussions over Nazi gold and Holocaust era assets, anti-Semitic slurs reportedly still remain a problem. Government officials, including the President, have spoken frequently and publicly against anti-Semitism. From 1995 when an antiracism law was enacted until the end of 1998, some 300 court cases were brought for violations of the law. Roughly half of them resulted in convictions by a court of first instance, but in many cases appeals are pending.

According to the Government, 104 cases of violation of the Anti-Racism Act were brought before the courts between 1995 (when the law was enacted) and the end of 1999. A total of 45 resulted in convictions (for anti-Semitism, revisionism, and racist oral or written slurs). Sentences for convictions included a 15-month prison sentence and a fine of \$12,000 (20,000 Swiss francs) for the Holocaust denier Jurgen Graf. The human rights group Eyes Open was among the NGO's that expressed concern over the continued existence of anti-Semitic sentiment.

In November 1998, the Federal Commission against Racism released a report on anti-Semitism in the country, which expressed concern that the recent controversy over the country's role during World War II had to some extent opened the door to expressions of latent anti-Semitism. At the same time, the Commission described the emergence of strong public opposition to anti-Semitism and credited the Federal Council with taking a "decisive stand" against anti-Semitism. The Commission also proposed various public and private measures to combat anti-Semitism and encourage greater tolerance and understanding. In its initial response to the report, the Federal Council pledged to facilitate implementation of the Commission's recommendations.

In December 1999, the Federal Council announced the creation of a Center for Tolerance in Bern. Planning under the chairmanship of a former parliamentarian is continuing, and financing will come from the public and private sectors. The center plans to produce exhibits designed to teach historical lessons, offer academic research opportunities, and host international symposia. A survey published in March showed that 16 percent of Swiss hold anti-Semitic notions. Among supporters of the rightwing Swiss People's Party the figure was 33 percent. The study also found that the recent controversy over Swiss World War II behavior affected survey results, particularly among the older generation. Conversely, 92 percent of young persons polled harbored no anti-Semitic sentiments. The survey reflected inconsistencies. During the recent period of controversy over the Swiss World War II record, public opinion actually strengthened in support of antiracism laws. The case of a national councilor who made anti-Semitic remarks, but could not be prosecuted because Parliament refused to lift his immunity, led to an abortive attempt to restrict parliamentary immunity (see Section 2.a.).

The Federal Court decided on June 7 to uphold a cantonal decision granting Scientologists the right to distribute leaflets in public areas. However, the court also affirmed that Scientology leaflets serve a "commercial enterprise" and that distributors must obtain a permit to use public areas for their dissemination. The court ruled that Scientology does not act as a religious organization in such cases. Scientologists previously distributed flyers without the necessary permits, protected by the Religious Freedom Act. Several cantons are likely to use the precedence of the Federal Court's decision to regulate the distribution of leaflets (see Section 2.c.).

National/Racial/Ethnic Minorities.—According to NGO statistics, there were 56 reported incidents directed against foreigners or minorities in the first 6 months of

the year, compared with 62 for the first half of 1999. These figures include instances of verbal and written “attacks,” which are much more common than physical assaults. Investigations of these attacks are conducted effectively and lead, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes commonly are sentenced to from 3 days’ to 3 years’ imprisonment with a fine of up to approximately \$27,000 (40,000 Swiss francs).

On March 12 the voters of Emmen, a small township in Canton Lucern, voted on local foreign residents’ applications for citizenship. The voters rejected 48 applicants, almost all exclusively from southeast Europe, while approving 8 Italians’ citizenship bids. Fearing the vote was a violation of the European Human Rights Convention, the Swiss Federal Council determined to look into the practice. The Emmen vote caused a national uproar and prompted several motions in Parliament. In response the Federal Council referred the issue to a working group set up in 1999, which examines the Government’s naturalization practice.

Section 6. Worker Rights

a. The Right of Association.—All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives. The Government does not hamper the exercise of these rights. About one-quarter of the work force is unionized.

The right to strike is recognized legally and exercised freely, but a unique labor peace under an informal agreement between unions and employers—in existence since the 1930’s—has meant fewer than 10 strikes per year since 1975. The new Constitution provides specific protection for the right to strike. In a Basel laundry workers went on an almost unprecedented 5-day strike after management of the former state enterprise asked some workers to accept a “industry standard” wage of about \$1,700 monthly (3,000 Swiss francs). The strike ended on December 4 after a tense scuffle between police and pickets and protracted negotiations between the two sides and Basel city officials. Management agreed to small wage gains and a cost-of-living adjustment mechanism that will increase wages gradually to about \$2,000 (3,500 Swiss francs). In the absence of a minimum wage law, labor leaders see the worker gains in this first major strike in a decade as a signal for revived recruiting and broader public opinion support for the labor movement’s minimum wage campaign.

A 1927 law bans public servants, as well as workers in state-owned bodies such as the postal service, from striking. However, in November voters approved a referendum on a new law concerning employees of the Federal Government that generally recognizes the right to strike. Only for reasons of national security, safeguarding national foreign policy interests, or providing the population with essential goods and services may the Government curtail or suspend the right to strike for certain categories of government employees. The new law will enter into force in steps for different categories of employees between January 2001 and 2002.

Unions are independent of the Government and political parties, and laws prohibit retribution against strikers or their leaders.

Unions can associate freely with international organizations.

b. The Right to Organize and Bargain Collectively.—By law workers have the right to organize and bargain collectively, and the law protects them from acts of antiunion discrimination. The Government fully respects these provisions. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level. Non-union firms generally adopt the terms and conditions fixed in the unions’ collective bargaining.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Although there is no specific constitutional or statutory ban on forced or compulsory labor in general, and on child labor in particular, such practices generally are not known to occur; however, trafficking in women for forced prostitution increased (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for full-time employment of children is 15 years, and children are in school until this age. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 is regulated strictly; they cannot work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforces the law on working conditions.

The Government does not prohibit specifically forced and bonded labor by children, although such prohibitions are included implicitly in the Labor Act. Such forms of labor are not believed to occur (see Section 6.c.). In June the Government

ratified ILO Convention 182 forbidding the worst forms of child labor (including child prostitution, forced labor, and using children for illegal activities such as drug dealing).

Government officials inspect companies that employ children after having received complaints. Every year a few employers are fined or receive conditional imprisonment for violations of the law.

e. Acceptable Conditions of Work.—There is no national minimum wage. The lowest wages fixed in collective bargaining are generally adequate to provide a decent standard of living for a worker and family. However, the Swiss Association of Trade Unions in a 1999 study found that 60,000 full-time workers (or 3.4 percent) fall below the poverty line, defined as earning less than approximately \$15,500 (22,900 Swiss francs), which is half of the median wage.

The 1964 Labor Act established a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half day per week. New labor legislation, which came into force on August 1, limits annual overtime to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week.

The law protects legal and illegal foreign workers. However, illegal foreign workers are not covered by mandatory health insurance in case of illness or accident. Wage discrimination against foreign workers is not permitted.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There have been no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective is unclear. A 1998 law is designed to increase flexibility in the workplace and remove restrictions on women working at night. A worker may leave a dangerous assignment without penalty.

f. Trafficking in Persons.—The Penal Code criminalizes sexual exploitation and trafficking in persons. Trafficking in persons can result in prison sentence of up to 5 years; coercing someone into prostitution or restricting a prostitute's personal freedom can carry a sentence of up to 10 years in prison. According to a 1999 official report, the police are concerned about the growing number of foreign women subject to abuse in sex trafficking rings. In the past, victims came from Thailand, parts of Africa, or South America; recently an increasing number of women come from Hungary, Russia, Ukraine, and other states of the former Soviet Union. Many victims are forced to work in salons or clubs to pay for the cost of their travel and forged documents and find themselves in a state of dependency. Traffickers sometimes seize victims' passports. Generally the victims do not read, write, or speak the country's languages, and are afraid to seek help from the authorities.

Since 1905 the Government has had an office to combat the trafficking of girls for the purpose of commercial sexual exploitation. Over the years this office has evolved to include all forms of trafficking in persons. The office has existed in its present form since 1998 as part of the criminal intelligence unit of the Federal Department of Police. In 1998 the Government institutionalized an exchange of information on trafficking in persons with NGO's. The Department of Foreign Affairs helps fund programs intended to combat trafficking from Eastern Europe.

Because the investigation, enforcement, and prosecution of individual trafficking and related cases is the responsibility of the cantonal police authorities, the federal human trafficking office also supports the cantonal prosecution authorities with information concerning trafficking abroad. In major cases the federal government establishes contacts with foreign government authorities.

In March Neuchatel cantonal police announced the arrests of four persons, including two African women married to Swiss nationals, on trafficking-related charges. The arrests followed an investigation initiated when the Swiss consulate in Yaounde became suspicious about unusually large numbers of Cameroonian women travelling to Switzerland. The consulate informed the federal Department of Foreign Affairs, which alerted cantonal police authorities. After an investigation spanning several months, the police were able to uncover the organization and obtain valuable information on how the ring operated.

Shortly after the arrests, a Zurich-based NGO submitted a petition to the Cabinet and both houses of Parliament that called urgently for the establishment of a protection program for trafficking victims. The petition was signed by 7,500 individuals, organizations, and parliamentarians. Their program would end the automatic expulsion of women arrested for illegal prostitution and legalize their stay for the duration of investigations and trials. Currently, most women are expelled within 96 hours. It would also provide shelter, protection from intimidation, counseling centers, and sensitivity training for police. The petition also calls for a change in the legal definition of trafficking to include not only women forced into prostitution but

also women whose migration to Switzerland for marriage or domestic work puts them in a state of dependency. Parallel to the submission of the petition, a parliamentary initiative was launched calling for similar measures. The Federal Council (Cabinet) instructed an interdepartmental working group to assess the situation and to determine whether a revision of the relevant legal articles would be a useful step.

In order to confront modern forms of trafficking in women, especially via the Internet, the federal police have increased the number of their agents. In 1997 4 persons were convicted of trafficking in women and 13 were convicted of sexual exploitation; and in 1997–98 police uncovered a large Thai trafficking organization. Its leader was arrested, tried, and convicted. He later committed suicide in prison.

Prostitution is legal; however, it is illegal for foreigners to work without a valid work permit. Official police figures estimate that approximately 7,050 women work as prostitutes, both legally and illegally, mostly in the major Swiss cantons. In March 1999 the Government introduced new visa requirements for applicants from four South American countries—Colombia, Cuba, Ecuador, and Bolivia. The Office for Equality between Men and Women has a program to educate visa applicants in their native countries about the methods used by traffickers and the dangers of falling victim to them.

TAJIKISTAN

Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government; however, Rahmonov's narrow base of support limited his control of the entire territory of the country. Rahmonov won reelection in a November 1999 election that was flawed seriously and was neither free nor fair. As a result of 1997 peace accords that ended the civil war, some former opposition figures continue to hold seats in the Government. Rahmonov's supporters overwhelmingly won February parliamentary elections that were neither free nor fair, but were notable for the fact that several opposition parties were allowed to participate, and that one opposition party won two seats in Parliament. Although the Constitution was adopted in 1994 and amended in September 1999, political decisionmaking normally takes the form of power plays among the various factions, formerly aligned with the other side during the civil war, that now make up the Government. The legacy of civil war continued to affect the Government, which still faced the problems of demobilizing and reintegrating former opposition troops and maintaining law and order while rival armed factions competed for power. The Constitution provides for an independent judiciary; however, it is not independent in practice.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although the Government actually relies on a handful of commanders who use their forces almost as private armies. Some regions of the country remained effectively outside the Government's control, and government control in other areas existed only by day, or at the sufferance of local former opposition commanders. The soldiers of some of these commanders are involved in crime and corruption. The Russian Army's 201st Motorized Rifle Division, part of a Commonwealth of Independent States (CIS) peacekeeping force established in 1993, remained in the country and continued to have a major influence on political developments; however, the division began to transition into a new status on a permanent military base after the peacekeeping mandate ended in September. Some members of the government security forces and government-aligned militias committed serious human rights abuses.

The economy is a state-controlled system making a difficult transition to a market-based one. Most of the work force is engaged in agriculture, part of which remains collectivized. Government revenue depends highly on state-controlled cotton production. The small industrial sector is dominated by aluminum production (another critical source of government revenue), although most Soviet-era factories operate at a minimal level, if at all. Small-scale privatization is over 80 percent complete, but the level of medium to large scale privatization is much lower (approximately 16 percent) with the heavy industry, wholesale trade, and transport sectors remaining largely under state control. Many, but not all, wages and pensions are paid. The country is poor, with a per capita gross national product of approximately \$290, according to World Bank data. The failure of the Soviet economic system has been accompanied by a rise in narcotics trafficking and other forms of corruption. This development has led to clear disparities of income between the vast majority

of the population and a small number of former progovernment and opposition warlords, who control many of the legal and most of the criminal sectors of the economy.

The Government's human rights record remained poor and the Government continued to commit serious abuses. The February parliamentary elections represented an improvement in the citizens' right to change their Government; however, this right remains restricted. Some members of the security forces committed extrajudicial killings. There were a number of disappearances. Security forces frequently tortured, beat, and abused detainees. These forces also were responsible for threats, extortion, looting, and abuse of civilians. Certain battalions of nominally government forces operated quasi-independently under their leaders. Impunity remains a problem, and the Government prosecuted few of the persons who committed these abuses. Prison conditions remained harsh and life threatening. The Government continued to use arbitrary arrest and detention and also arrested persons for political reasons. Lengthy pretrial detention remained a problem. Basic problems of rule of law persist. There are often long delays before trials, and the judiciary is subject to political and paramilitary pressure. The authorities infringed on citizens' right to privacy.

The Government continued to restrict severely freedom of speech and the press and essentially controls the electronic media. The Government severely restricted opposition access to state-run radio and television; however, an opposition newspaper begun in 1998 continued to publish, and a number of small television stations were operated by nongovernmental organizations (NGO's). Journalists practice self-censorship. The Government restricts freedom of assembly and association by exercising strict control over political organizations; it banned three opposition parties and prevented another from being registered. A number of parliamentary candidates were prevented from registering for the elections. There are some restrictions on freedom of religion and on freedom of movement. The Government still has not established a human rights ombudsman position, despite a 1996 pledge to do so. Violence and against women is a problem, as is discrimination of the disabled and religious and ethnic minorities. Child labor is a problem. There were some instances of forced labor, including children. Trafficking in women is a problem.

Some former opposition troops committed serious abuses, including killings and abductions. There were credible reports that paramilitary units threatened, extorted, and abused the civilian population.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Some members of the security forces committed extrajudicial killings; however, it was difficult to estimate the total number of such killings or to attribute responsibility in many cases. Some killings were committed by competing government factions for both political and economic motives.

Harsh prison conditions and lack of food and adequate medical treatment resulted in a significant number of deaths of prisoners while in custody (see Section 1.c.). There were reports that a member of the banned Hizb ut-Tahrir movement died in police custody after being arrested (see section 2.c.).

A number of local officials, businessmen, and professional figures were killed during the year, for a variety of political, economic, and ethnic reasons. A former Deputy Minister of Security and parliamentary candidate, Shamsullo Tobirov, was killed in an attack apparently aimed at the mayor of Dushanbe in February. Sirojiddin "Sergei" Davlatov, chairman of the Gharm district and a former deputy opposition field commander, was killed in May. The chairman of the State Radio and Television Committee, Saif Rahimov (Rahimzoda) also was killed in May. A correspondent for the Khovar state information agency, Aleksandr Opatov, was killed in September. In addition, a number of high-ranking figures associated with various competing paramilitary factions were killed. For example, the brother of Mullo Abdullo, a former opposition field commander in the Karategin Valley, reportedly was killed in retaliation for the killing of Davlatov. In most cases, suspects were not identified. The competence of the investigators and their independence from official interference was questioned. A number of apparent murders essentially were concealed, with official news noting only that the individual died.

Both the Government and the opposition used landmines during the civil war. Some unmarked mine fields in the Karategin Valley probably killed innocent civilians. According to press reports, a total of 21 persons were killed during the year by landmines laid along the northern segment of the Uzbekistan-Tajikistan border, which winds throughout populated areas and is not demarcated clearly in most

places. The Government of Uzbekistan apparently laid the mines as part of a counterinsurgency campaign. Some killings were committed by former opposition forces and others by independent warlords answering to neither the Government nor the former opposition forces. The Government also has laid numerous minefields along the border with Afghanistan.

A landmine brought on board a public bus on the outskirts of Dushanbe killed at least five passengers in February; the person who carried the mine aboard the bus was among those killed. It was not clear whether the mine detonated inside the bus by plan or by accident, and there were no developments in identifying the individual or group responsible for the incident.

Terrorists bombed a Protestant church in Dushanbe in October, killing seven persons and injuring many more (see Section 1.c. and 5).

There were reports of instances where Tajik border guards were killed on the Afghanistan border. It is unclear whether these cases were politically motivated or the result of narcotics trafficking.

There were no developments in the 1999 murder case of British national Abdullah Mugharebi, a resident of Dushanbe and leader of Tajikistan's Baha'i community, who was widely believed to have been killed by Iranian-sponsored Islamic fundamentalists. There were no developments in the 1997 killings of several Russian servicemen, or in the 1996 murder of the mufti of Tajikistan.

There were no developments in the 1999 killings of Tolib Bobev, an official of the Popular Unity Party, or Jumakhona Khotami, Ministry of Interior press center chief.

b. Disappearance.—There were a number of disappearances during the year; in at least one case security forces apparently were responsible. The driver and bodyguard of First Deputy Prime Minister Akbar Turajonzoda disappeared briefly in October and appeared in police custody. The taking of hostages for revenge or for bargaining purposes remained a common occurrence.

Political pressures, the central Government's lack of control over violently competitive factions within and outside the Government, and a lack of professional resources hamper police efforts to investigate disappearances.

The sister of Deputy Prime Minister Nigina Sharapovna disappeared in February; she later reappeared after ransom apparently was paid. The ethnic Uzbek mayor of a town in Khatlon District disappeared in September under mysterious circumstances.

There were no developments in the 1996 disappearance of Zafar Rahmonov, the opposition cochairman of the Joint Commission on Cease-fire Observation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, the Government uses it in practice. Security officials, particularly those in the Ministry of Interior, regularly beat detainees in custody and use systematic beatings to extort confessions. In contrast to the previous year, however, there were no public allegations that security forces mistreated or beat members of opposition parties or their relatives. Impunity remains a serious problem, and the Government has prosecuted few of the persons who committed these abuses.

The Government has acknowledged that the security forces were corrupted by criminal elements, and that most citizens chose to keep silent in the face of official mistreatment rather than risk retaliation by the police. In the southern regions of the country, many border guards are involved in the drug trade, and the local population has made numerous complaints of harassment and human rights abuses committed by them.

Members of Tajikistan's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities. For example, a prominent Afghan refugee (a former official of the overthrown Communist regime in Afghanistan) credibly claimed that Ministry of Interior officers apprehended and beat him, apparently in retaliation for previous claims of abuse that were reported publicly abroad (see Section 2.d.).

Journalists regularly risked beatings at the hand of law enforcement authorities (or at least armed individuals dressed as and claiming to be law enforcement authorities) (see Section 2.a.). For example, the Center for Journalism in Extreme Situations reported that militiamen seized a reporter for the state-owned newspaper *Jumhuriyat* in Dushanbe in August, forced him into a car, beat him en route to a militia station, where they beat him so badly that he suffered a concussion and hearing loss in one ear.

There were a number of shootings, bombings, and terrorist attacks that resulted in nonlethal injuries and serious property damage. The February bombing of a Dushanbe city bus left scores of passengers injured (see Section 1.a.). Also in February, the mayor of Dushanbe, Mahmadsaid Ubaidulloev, along with his driver and

bodyguard, was injured seriously in a failed attempt on his life by terrorists; another passenger in the mayor's official vehicle was killed (see Section 1.a.). On February 25, 2 days before parliamentary elections, a bomb explosion in a parliamentary candidate's office in the town of Hissar caused three injuries. Following these events, the central Government cracked down on rogue paramilitary groups. This brought a greater sense of security to the capital city of Dushanbe. However, despite this effort, a Protestant church in Dushanbe was bombed in October, leaving approximately 70 persons injured, almost half of them seriously (see Section 1.a and 2.c.). The official vehicle of Democratic Party leader and presidential cabinet member Mahmadrusi Iskandarov was destroyed by a bomb in October; there were no injuries. An official vehicle of the European Commission Humanitarian Office was destroyed by a bomb in July; there were no injuries.

According to credible counternarcotics law enforcement authorities in the central Government, Tajik and Afghan criminal groups engaged in narcotics smuggling across the Tajikistan-Afghanistan border threatened, harassed, and committed abuses against the border area populations.

Prison conditions remain harsh and lifethreatening. They fail to meet minimum international standards. Prisons generally are overcrowded, unsanitary, and disease-ridden, producing a serious health threat. This problem reflects in part the self-funded status of most prisons, under which before 1992 prisoners grew much of their own food or made goods for sale. The general collapse of governmental programs and of the economy also meant the virtual disappearance of these programs. Some food production has resumed, but is still inadequate. Some prisoners die of hunger. Family members are allowed access to prisoners only after a guilty verdict, in accordance with the law.

There was no official action against government forces responsible for the deaths of 26 prisoners when they retook Khojand prison in 1997 after a prison revolt. Abdulhafiz Abdullojonov, the brother of a political opponent of the President, was arrested in May 1997 on narcotics charges that appear fabricated and was sentenced to death in 1998. Despite appeals for clemency based on a diagnosis of terminal cancer, Abdullojonov remained in prison and claimed to have been denied proper medical treatment. Government sources say that he was executed early in 1999, although other sources maintain that he simply died of cancer in prison.

The Government does permit some prison visits by international human rights monitors, including an OSCE visit during the year, in which the OSCE found the conditions to be very poor. The Government invariably has denied requests by the International Committee of the Red Cross (ICRC) to make prison visits in a manner consistent with the ICRC's standard modalities.

d. Arbitrary Arrest, Detention, or Exile.—The Government continued to arrest and detain citizens arbitrarily. The Criminal Code has not been amended significantly since independence, and it therefore retains many of the defects inherited from Soviet times. The Government claims that revision of the Criminal Code is a high priority, but due to the size and complexity of the code, the small parliamentary staff, and limited time in session for the Oli Majilis (Parliament) progress has been slow. There is no projected completion date, and there has been no indication of progress toward a comprehensive revision of the Criminal Code. Minor modifications to the code in 1999 increased punishment for crimes such as rape, theft, and illegal drug use. The system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons. Public order, which broke down during the civil war, has yet to be restored fully, and the virtual immunity from prosecution of armed militia groups has eroded further the integrity of the legal system.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days after which the accused must be officially charged. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction the remaining time in detention. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum in order to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days. However, it is common for cases to be delayed for many months before trial begins. There is no provision for bail, and lengthy pretrial detention is a problem.

The Government made politically motivated arrests, and there are credible allegations of cases of illegal government detention of members of rival political factions.

For example, the bodyguard and the former driver of First Deputy Prime Minister Akbar Turajonzoda were detained in October, apparently as part of a campaign of intimidation by other elements of the Government against Turajonzoda. In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, do not obtain arrest warrants and do not bring charges. Those released sometimes claimed that they were mistreated and beaten during detention (also see Section 1.c.).

The number of political detainees was not clear. Since the law precludes visits to persons in pretrial detention, and the Government denies the ICRC or other observers access to these persons, any estimate is uncertain.

Human Rights Watch reported that by December 1999, the Government had granted amnesty to approximately 5,000 United Tajik Opposition (UTO) fighters. There were reports of several UTO fighters in the Gorno-Badakhshan Autonomous Oblast being arrested by local authorities despite this amnesty. The families of these fighters have appealed, and the leader of the Lal-I Badakhshan movement is pursuing their case.

Border Force units routinely take family members of deserters hostage and hold them until the deserters return to duty (see Section 1.e.).

The Constitution states that no one can be exiled without a legal basis; no laws have been passed so far setting out any legal basis for exile. There were no reports of forced exile, although, some opponents of the Government are in self-imposed exile.

e. Denial of Fair Public Trial.—The 1994 Constitution states that judges are independent and subordinate only to the Constitution and the law and prohibits interference in their activities; however, in practice the political leadership and, in many instances, armed paramilitary groups directly influence judicial officials at all levels. Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level are for the most part poorly trained and lack understanding of the concept of an independent judiciary. The Government made some progress in this respect by instituting regular examinations to screen unqualified candidates for judgeships. Bribery of prosecutors and judges appears to be a common practice.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court, which began to function in 1997.

According to the law, trials are public, except in cases involving national security or the protection of minors. The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. In practice arrested persons often are denied prompt, and in some cases any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration, regardless of the ethnicity or gender of the witness. Ministry of Justice officials maintain that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. In practice, bringing charges tends to suggest guilt.

The obstacles to ensuring fair public trials were evident in the murder trial of Difuza Nimonova, a 21-year-old woman accused of murdering the man who raped her. The Organization for Security and Cooperation in Europe (OSCE) mission in Tajikistan, which observed the trial, reported that the evidence presented by prosecutors against the defendant was poor, that the defendant's lawyer was denied access to his client, and that the politically well-connected family of the victim pressured the judges hearing the case. Members of the security forces tortured and beat Nimonova while she was in prison. Authorities also forced her to undergo an abortion while in prison. Nimonova was sentenced to death, although the Government later commuted her sentence to 16 years in prison after President Rahmonov received international appeals to intervene in the matter.

There was no information during the year concerning Bahrom Sodirov, who was charged in the February 1997 kidnaping of the Minister of Security, 5 United Nations personnel, and 11 others. Sodirov was arrested soon after the hostages were released. His trial, from which observers were barred, was suspended in late 1997 and has not resumed.

In contrast with the previous year, there were no new public allegations that the Government holds political prisoners. The Government and the UTO exchanged

multiple lists of prisoners of war and political prisoners for exchange as a result of the 1997 inter-Tajik talks in Moscow. By November 1999, the Government had released all UTO prisoners named on lists submitted by the UTO, with the exception of six individuals, of whom the Government claimed no knowledge. The families of the six individuals continued to seek their whereabouts without success. The Government accepted the UTO's 1998 claim that it released all prisoners of war that it held.

Abdulahfiz Abdullojonov, whose arrest and unfair trial in 1997 were politically motivated, remained a political prisoner until his mysterious death early in 1999 (see Section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except “in cases prescribed by law”; however, authorities continued to infringe on citizens’ right to privacy. Except for in some special circumstances, by law police may not enter and search a private home without the approval of the procurator. When they do enter and search without prior approval, they then must inform the procurator within 24 hours. However, police frequently ignored these requirements. There is no independent judicial review of police searches conducted without a warrant. Police also are permitted to enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

Security forces detained relatives of deserters in order to compel deserters to return to duty (see Section 1.d.). According to the OSCE mission in Tajikistan, the family of Dilfuza Nimonova (see Section 1.e.) was harassed at the behest of her alleged murder victim’s politically well-connected family after Nimonova’s family sought international intervention in her case. There is also strong evidence that Nimonova, a rape victim, was forced to undergo an abortion while in prison (see Section 1.e.).

Some political parties remain banned. In some cases, the security services apparently created difficulties for persons associated with opposition parties who sought employment. Other persons were pressured to join the ruling party (see Section 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricts this right in practice. Journalists, broadcasters, and individual citizens who disagree with government policies are discouraged from speaking freely or critically. The Government exercises control over the media both overtly through legislation and indirectly through such mechanisms as “friendly advice” to reporters on what news should not be covered. The Government also controls the printing presses and the supply of newsprint and broadcasting facilities and subsidizes virtually all publications and productions. Editors and journalists fearful of reprisals carefully exercise self-censorship.

The number of independent and local newspapers is increasing, but only a handful of them attempt to cover serious news. Several are organs of political parties or blocs. The Government exerted pressure on newspapers critical of it. Najot, the new official paper of the Islamic Renaissance Party, which began weekly publication in October 1999, continued to publish during the year. It experienced indirect government censorship in the early summer, apparently in retaliation for publishing a serialized translation of a foreign human rights report critical of the Government. It temporarily lost its access to state-run printing presses and has been forced to rely on a small, privately owned printing press to publish its editions.

Journalists frequently are subject to harassment, intimidation, and violence. Sometimes the perpetrators are government authorities, as in the case of a reporter for the state-owned newspaper *Jumhuriyat*, who was beaten severely by militiamen in August (see Section 1.b.), according to the Center for Journalism in Extreme Situations. In other cases, the perpetrators are criminal or terrorist elements who are believed to have narcotics trafficking connections, as in the cases of Ministry of Interior press center chief Jumankhon Hotami, who was shot and killed near Dushanbe in 1999, and Sergei Sitkovskii, a Russian national working for the newspaper *Tojikiston*, who was killed in a hit-and-run car accident in 1999. Both were investigating narcotics trafficking at the time of their deaths. There were no developments in their cases by year’s end.

There is one Government-run television network; its several local stations cover regional and local issues from an official point of view. Opposition politicians have had little access to it, although in January and June it broadcast two political party debates organized by the International Foundation for Electoral Systems. There are

36 nongovernmental television stations, not all of which are operating at any one time and only a handful of which can be considered genuinely independent. The Islamic Renaissance Party was able to begin broadcasting a weekly television program on one such station. Some have independent studio facilities. These stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must work through two government agencies, the Ministry of Communications, and the State Committee on Radio and Television. At every stage of the bureaucratic process, there are high official and unofficial fees.

The Government continued to prevent independent radio stations from operating by interminably delaying applications for broadcasting licenses. At least two independent radio stations in Dushanbe have had their license applications pending without explanation since the summer of 1998.

Access to the Internet is limited partly by state control. The Government allowed a handful of Internet provider companies to begin operating during the year, but high fees and limited capacity put access to information over the Internet out of reach for most citizens.

Academic expression is limited principally by the complete reliance of scientific institutes upon government funding, and in practical terms by the need to find alternate employment to generate sufficient income, leaving little time for academic writing.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government restricts this right in practice and exercises strict control over organizations and activities of a political nature. Nonpolitical associations, such as trade unions, are allowed to meet. Registered organizations must apply for a permit from the local executive committee in order to organize legally any public assembly or demonstration. Sometimes permits are granted, but the Government subsequently has been known to take reprisals against organizers. Because fear of reprisal is so widespread, public assemblies or demonstrations of a political nature were rare during the year.

The Constitution provides for freedom of association; however, the Government restricts this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for nonpolitical associations (including trade unions), this right is circumscribed further by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice. This process often is slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. The Minister of Justice made public statements in support of nongovernmental organizations (most of which are involved in social work, rather than political activity), and attempted to address problems that existing NGO's have experienced with registration and taxation. Once registered, an organization may apply for a permit to hold a public assembly or demonstration.

There are five political parties and five "movements" registered with the Government. Three parties are banned officially: The Party of Popular Unity (banned in December 1998), the Agrarian Party (banned in April 1999); and the "Tehran platform" faction of the Democratic Party (banned in December 1999). The Party of Economic and Political Revival of Tajikistan was not allowed to register in March 1999 because of insufficient membership. The Party of Justice and Progress has not been allowed to register since the end of 1999 for unexplained reasons.

In May 1998, the Parliament passed a law prohibiting the creation of political parties with a religious orientation. The opposition UTO, international organizations, and foreign governments strongly criticized the law for violating the spirit and the letter of the 1997 peace agreement. In June 1998, President Rahmonov established a Special Conciliation Commission to resolve the dispute, which proposed compromise language for the law, banning political parties from receiving support from religious institutions. A new version of the law including the compromise language was passed in November 1998. Subsequently, parties of religious character were permitted to register; one such party, the Islamic Renaissance Party, has done so.

The leadership of certain opposition parties reported threats and harassment by the authorities in their workplaces. Many others often were pressured to join the People's Democratic Party of Tajikistan, the ruling party (see Section 1.f.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some restrictions, and the Government monitors the activities of religious institutions to keep them from becoming overly political. The vast majority of the population is Sunni Islam, although only a small portion is observant: this does not appear to affect the religious freedom of the non-Sunni Muslim minority. President Rahmonov

defends secularism aggressively and describes Islamists as a threat to national security. Government policies reflect a pervasive fear of Islamic fundamentalism, a fear shared by much of the general population.

According to the Law on Freedom of Faith, the Committee on Religious Affairs under the Council of Ministers registers religious communities and monitors the activities of the various religious establishments. While the official reason given to justify registration is to ensure that religious groups act in accordance with the law, the practical purpose is to ensure that they do not become overly political. In 1997 the Government subordinated the Council of the Islamic Center (the former Muftiyat) to the Committee on Religious Affairs; however, the observant Muslim community apparently did not object to this step.

Although unregistered, recently organized religious communities, such as Baha'i and Hare Krishna groups, function with no apparent formal restriction. There were no developments in the murder case of a prominent member of the Baha'i community, who was widely believed to have been killed by Iranian-supported Islamic extremists (see Section 1.a.). Members of the Baha'i community were occasionally confronted by the police guard outside Dushanbe's Baha'i Center and asked why they had forsaken Islam. Others were called in by the Ministry of Security and also asked why they had changed religious affiliation.

In May 1998, Parliament passed a law prohibiting the creation of political parties with a religious orientation (see Section 2.b.). The UTO, the largest component of which is the Islamic Renaissance Party (IRP), along with international organizations and foreign governments, strongly criticized the law for violating the June 1997 peace agreement, which included a government commitment to lift the ban on member parties of the UTO. The post-independence 1992-7 civil war was fought in part over differing views of the role of religion in the country. In early June 1998, President Rahmonov established a Special Conciliation Commission to resolve the dispute. Later that month, the Commission reported that it had devised compromise language for the law, banning parties from receiving support from religious institutions. A new version of the law including the compromise language was passed in the November 1998 parliamentary session. A constitutional amendment passed in a September 1999 referendum states that the State is secular and that citizens can be members of parties formed on a religious basis. Two representatives from the IRP now sit in the lower house of the national Parliament.

Aside from the registration requirement, there are few official constraints on religious practice, but government officials sometimes issue extrajudicial restrictions. For example, the mayor of Dushanbe has prohibited mosques from using microphones for the five daily calls to prayer. There are also reports that some local officials have forbidden members of the IRP from speaking in mosques in their region. However, this restriction is more a reflection of political than religious differences. Government printing houses reportedly are forbidden to publish texts in Arabic and as a rule do not publish religious literature. There are no longer restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remain. These restrictions appear to be based on political concerns, but the effect on private religious instruction is also clear.

The Government has banned specifically the activity of one religious faction, the Hizb ut-Tahrir, an Islamist movement with origins in the Middle East, which has developed a significant following among the ethnic Uzbek population of northern Tajikistan. This movement operates underground and apparently calls for a non-violent overthrow of established authority and the reestablishment of government along the lines of the six "rightly-guided Caliphs" of early Islamic history. According to the Ministry of Security, over 105 members of Hizb ut-Tahrir were arrested during the year, and one reportedly died in police custody (see Section 1.a.). Fifty-seven of these persons were sentenced to between one and two years imprisonment.

During the year there were three church bombings that occurred throughout Dushanbe (see Sections 1.a. and 5).

The Government continued to impose restrictions on the number of pilgrims allowed to go on the Hajj. Individuals were not permitted to travel in a personal vehicle; persons were required to travel by government-owned transportation, primarily buses. There were regional quotas on the number of pilgrims, which led to corruption as places were sold. Missionaries are not restricted legally and proselytize openly; however, the Government's fear of Islamic terrorists prompts it to restrict visas for Muslim missionaries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government imposes some restrictions on them.

The Government has stipulated that both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and

Afghanistan without permission from the Ministry of Foreign Affairs. This restriction is not always enforced along the western part of the border with Afghanistan, but a special visa generally is required for travelers, including international workers and diplomats, to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest is not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan.

The Ministry of Security inhibits freedom of travel by requiring citizens who wish to travel abroad to obtain an exit visa. This process sometimes includes lengthy interviews. The Ministry of Security sometimes withholds or delays exit visas when it believes that other ministries or NGO's are infringing upon its jurisdiction and have not adhered to its formalities for foreign travel.

Residents of Dushanbe and those travelers who wish to remain in the city longer than 3 days are supposed to register with central authorities, and regulations require registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely are ignored in practice. There are no legal restrictions on changing residence or workplace.

There is no law on emigration. Persons who wish to migrate within the former Soviet Union notify the Ministry of Interior of their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy in order to obtain their passport. Persons who settle abroad are required to inform the Tajikistan embassy or Tajikistan interests section of the nearest Russian embassy or consulate.

Persons who wish to return to Tajikistan after having emigrated may do so freely by submitting their applications to the embassy of Tajikistan or Tajikistan interests section of the nearest Russian embassy or consulate. The Government adjudicates requests on a case-by-case basis. There is no indication that persons other than those who fled the country for political reasons after the civil war, are not permitted to return freely. Some persons currently active with the Tajik opposition, whose travel documents expired, at times have had difficulty obtaining new documents permitting them to return.

A number of persons remained internally displaced as a result of the civil war, but their total number was difficult to estimate. The U.N. High Commissioner for Refugees (UNHCR) no longer has estimates on the number of internally displaced persons (IDP's). These persons live throughout the country and are not concentrated in a single geographic area. The Government provides protection and modest assistance, and it actively cooperates with international organizations to resettle them. Resettlement is voluntary; IDP's are not returned forcibly to dangerous conditions.

The Constitution provides for the granting of asylum to persons who have entered the country seeking protection, in accordance with U.N. refugee criteria. Under the 1994 refugee law, a person granted refugee status is provided with the right to work and to move freely throughout the country. The State Migration Service (formerly the Department of Refugee Affairs) under the Ministry of Labor has responsibility for the registration of refugees.

The State Migration Service handles the registration of Afghan refugees in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and Tajikistan's 1994 Law on Refugees. An unresolved problem stems from the unofficial government policy of denying official status to Afghan spouses of returning Tajik refugees. The UNHCR has aided their admission to the country (avoiding their being jailed as illegal immigrants); however, their legal status remains uncertain. There were no cases during the year. However, members of Tajikistan's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities (see Section 1.c.).

The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. According to the UNHCR, 176 asylum seekers submitted requests for refugee status to the State Migration Service during the first half of the year, of which 28 were granted by mid-year. However, the UNHCR does not have statistics on the number of refugees remaining in the country after receiving asylum because the majority of such persons use the country as a transit point en route to Western Europe. As in 1999, the Government faced the problematic issue of several hundred dependent family members and camp followers of Islamic Movement of Uzbekistan militants. As in a similar incident in 1999, several hundred of these persons were sent in buses to Afghanistan. The Government did not consider them for refugee status and officially refused to acknowledge even the presence of these persons.

After protests from the UNHCR, the Government cancelled its short-lived "Operation Foreigner," in which numerous Afghan refugees in Dushanbe were detained by security forces and reportedly slated for relocation to refugee camps elsewhere.

However, government officials continued to maintain that Dushanbe was still “off limits” for Afghan refugees.

It remained an question whether the Government would provide first asylum to a potential mass influx of refugees fleeing Taliban advances in northern Afghanistan; Government and Russian border officials made contradictory statements on this issue.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return, as well as thousands from the CIS, returned to the country. There was continued incremental progress during the year in returning occupied houses to their original UTO fighter owners. Problems remain, although they are almost entirely in the Khatlon region.

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

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

The Constitution provides for the right of citizens to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. There was some improvement in the February parliamentary elections; however, the 1999 presidential election was seriously flawed. While the country made progress in its transition from a Soviet-model system to a more open and competitive one, the Government remained dominated by President Rahmonov and his inner circle from the Kulyab region.

The 1999 Presidential election was flawed seriously. The Government’s handling of preparations for the November presidential election cast doubt on the possibility that there could be a peaceful transfer of power through genuinely free and fair elections. Candidates had to contend with a cumbersome registration process requiring them to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, probably ahead of time, was able to do so by the deadline. Prospective opposition candidates complained that local, progovernment administrators prevented them from gathering signatures. Days before the election, an apparently arbitrary Supreme Court decision allowed one of the three aspiring opposition candidates, Economics and Foreign Economic Relations Minister Davlat Usmon of the Islamic Renaissance Party, to register. Although Davlat announced that he would boycott the election unless the other two opposition figures also were allowed to run, the Central Election Commission included his name on the ballot. Davlat told journalists in Dushanbe on November 7 that he believed that the outcome of the election was rigged and that only 20 to 30 percent of voters had participated. President Rahmonov enjoyed a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; the claim lacked credibility.

A joint mission of the U.N. and the OSCE observed February 27 elections to the lower house of the new bicameral national Parliament. This joint observation mission noted that there were improvements in the process compared to previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process. Two seats in the new Parliament are now held by members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet the minimum standards for equal, fair, free, secret, transparent, and accountable elections. There were particular problems with the independence of election commissions and the conduct of the vote count and tabulation of results. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections in a manner not foreseen by law and in a way that contradicted international standards for democratic elections.

During the course of the February 27 elections, joint U.N.-OSCE observers noted a variety of irregularities in a number of constituencies including proxy voting, unsealed ballot boxes, stuffed ballot boxes, votes added in favor of a particular party, lack of consistency between the sum of votes counted and the number of ballots issued, discrepancies between votes considered invalid during the count and the final result sheet, and blank copies of protocols signed before the counting of ballots and filled in with pencil during the count. The observers judged the conduct of the vote to have been “very good” (i.e., no irregularities) in only 13 percent of the 294 polling stations observed, while finding it “good” (i.e., hardly any minor irregularities) in 32 percent, “acceptable, but not good” (i.e., several minor irregularities) in

another 32 percent, and “unacceptable” (i.e. major irregularities) in 23 percent of the polling stations.

While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. In general, both publicly and privately funded broadcasts as well as print media failed to provide voters with unbiased information.

At least one prospective independent candidate for the lower house of Parliament was prevented from registering as a candidate in what Human Rights Watch called “a wholly arbitrary candidate registration process.” The decision to prevent this individual from registering appeared to have been politically motivated; he earlier had served as chairman of an opposition party that had been deregistered prior to the November 1999 presidential election.

Local district assemblies elected the members of the upper house of the national Parliament in March, in elections that were not held under international observation.

President Rahmonov’s highly centralized People’s Democratic Party of Tajikistan controls an overwhelming majority of seats in both houses of Parliament. This fact, combined with a lack of democratic culture, results in a legislative branch that is not genuinely independent of the executive branch.

There are no formal barriers to women’s participation in the electoral process; however, they are underrepresented in government and politics. Since the removal of Soviet-era quotas, the number of female deputies has declined. In the parliamentary election campaign, only 17 out of the 365 registered candidates were women, and only 5 of the 17 were elected. There are two female ministers in the Government.

While ethnic Uzbeks make up some 25 percent of the total population, they are underrepresented in the political system.

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

The Government’s record on dealing with international and nongovernmental investigation of alleged human rights abuses was mixed. Fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGO’s dealing with human rights; several such organizations exist. The Government did prevent some citizens, especially government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, United Nations agencies, NGO’s, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in Tajikistan, was frequently critical of the Government.

The Government first stated the intention of forming a national human rights ombudsman position in 1996, and in 1998 agreed to establish a national human rights institution and ombudsman position with OSCE financial support; however, no institution or ombudsman position had been established by year’s end.

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it is not independent in practice.

The OSCE mission in Dushanbe continues to monitor human rights issues with the help of its five field offices. However, these field offices experienced varying levels of cooperation with local authorities. The Government allowed a joint U.N.-OSCE observation mission to monitor parliamentary elections in February (see Section 3). The mission reported that its team of experts was given every assistance and freedom of access that it requested. The joint mission issued a series of reports that severely criticized the conduct of the elections. The Government’s reaction to the reports was mild, minimizing the critical aspects of joint mission statements and presenting the participation of international observers as evidence of a successful democratic exercise.

The International Committee of the Red Cross (ICRC) maintains a delegation in Tajikistan. The Government continued to refuse the ICRC unconditional access to prisons in accordance with standard ICRC modalities, despite letters received in the past from senior government officials that assured that such access would be forthcoming.

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

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, or social

status and also explicitly states that men and women have the same rights; however, in practice there is some discrimination as a result of cultural traditions and the lingering hostilities from the 1992–97 civil war.

Women.—Violence against women is widespread. Wife beating is a common problem. In both urban and rural areas, many cases of wife beating go unreported and many of those cases reported are not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations, and the Government did not propose legislation on the issue. In addition, abduction of young women, who are raped or forced to marry their abductors, is widely reported.

The Criminal Code prohibits rape; however, it is widely believed that most cases are unreported, and the problem is believed to be growing, particularly in urban areas. The threat of rape often is used to coerce women. There are no special police units for handling these cases. One rape crisis center was established by a local NGO in Dushanbe in 1993; there are now 10 such centers in the country. The situation is exacerbated by a continued lack of public order, so that in many cities, including Dushanbe, women exercise particular care in their movement, especially at night. There are no statistics on the number of rapists prosecuted, convicted, or punished each year. In one widely publicized case, Dिल्фуза Nimonova, an alleged victim of rape was convicted, in a trial of questionable fairness, of having killed the man who raped her. She was forced to undergo an abortion (see Section 1.e. and 1.f.).

The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and sexual exploitation of women; however, prostitutes operate openly at night in certain urban areas.

There are credible reports of trafficking in women (see Section 6.f.).

There have been reports of physical harassment of women by conservative Muslims in rural areas for not wearing traditional attire.

According to the law, women have equal rights with men; however discrimination against women remains a problem. Articles in the Criminal Code protect women's rights in marriage and family matters. Girls often are pressured to marry men that they do not choose themselves, and polygyny is increasingly common, although it is illegal.

Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There is no formal discrimination against women in employment, education, or housing; and in urban areas women can be found employed throughout government, academic institutes, and enterprises. However, women face diminishing opportunities for education and rising poverty. Some women hold the same jobs as men, although not in equal numbers. Women officially receive equal pay for equal work; however this regulation is not always enforced in practice. Divorce rates in urban areas are comparatively high, and women tend to carry the burden of child-rearing and household management, whether married or divorced. In rural areas, women tend to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women receive less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas are also much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice, inheritances may pass disproportionately to sons.

Children.—The Government's lack of financial resources left it unable to fulfill its extensive commitments to children's rights and welfare, and the government social security network for child welfare appeared to have deteriorated. Women are provided 3 years of maternity leave and monthly subsidies for each child; health care is free (but the quality and quantity of medical services available has declined significantly since the Soviet era). Education is compulsory until age 16; however, the law is not enforced. Public education is intended to be free; however, a lack of resources has caused the public school system to deteriorate to the point at which it barely functions. Parents who can afford to do so send their children to private schools (a number of which have been founded since the end of the Soviet period), or join together in groups that hire teachers to give their children lessons for a fee. Public education is intended to be universal; however, a significant number of school-age children—as many as one in eight, according to World Bank data—work instead of attending school. While most children are enrolled in school up to the completion of the secondary level, actual attendance may be lower because of the need to supplement family income by working in the home or in informal activities. The old Soviet practice, now illegal, of closing high schools at cotton harvest time and putting the students to work in the field continues in some areas.

There is no societal pattern of abuse of children.

People with Disabilities.—The 1992 Law on Social Protection of Invalids stipulates the right of the disabled to employment and adequate medical care.

However, in practice the Government does not require employers to provide physical access for the disabled. Financial constraints and the absence of basic technology to assist the disabled result, in practice, in high unemployment and widespread discrimination. There is no law mandating accessibility for the disabled. There are facilities for the mentally disabled; however, funding is limited and the facilities are in poor condition. Several international NGO's provide limited assistance to persons with disabilities.

Religious Minorities.—Baha'i and Hare Krishna groups experience limited prejudice. There were no developments in the 1999 murder of a prominent member of Baha'i community (see Section 1.a.). Police made no arrests, although militant Islamists aligned with Iran are considered the likely perpetrators.

The authorities continued to investigate the October bombing of a Protestant church in Dushanbe (see Section 1.a.). It is believed that the attack was meant to destabilize the political situation in the country. Prosecutors have charged three students from the Dushanbe Islamic Institute with terrorism in connection with the bombing. The students confessed to the bombing and stated their motive was religious. Investigators already have identified the remaining conspirators, and said that the three suspects claimed to be operating on their own and not on the orders of someone else. The Government believes that the act was independent and not associated with the Islamic Movement of Uzbekistan or Hiz ut-Tahir.

On December 31, two churches in Dushanbe were bombed, the Svyato-Nikolskii Russian Orthodox Church and a Seventh Day Adventist Church. There were no injuries at either church, both of which were closed at the time. Government law enforcement and security agencies are investigating the bombings. It is believed that these events were carried out by religious extremists opposed to foreign missionaries in the country.

Some Muslim leaders occasionally have expressed concern that minority religious groups undermine national unity.

National/Racial/Ethnic Minorities.—Ethnic Uzbeks make up approximately a quarter of the population but are substantially underrepresented in government service. The number of Uzbek language newspapers, television broadcasts, and schools has declined significantly since 1992. With the exception of the trilingual (Tajik/Uzbek/Russian) school structure, the Uzbek language has no official status. Although the Government permits a daily Uzbek radio broadcast, broadcast time is dominated by Tajik and Russian language programs. A weekly television broadcast in Uzbek, which ceased in 1999, resumed in 2000.

In practice Russian is the language of interethnic communication and widely used in government. Ethnic Russians and other Russian speakers, for example, Ukrainians, make up less than 2 percent of the population. While the Government repeatedly has expressed its desire for the ethnic Russian and Slavic populations to remain, economic conditions provide little incentive for them to do so, and some local Russians and other Slavs perceive an increase in negative social attitudes toward them. A Slavic university and a Russian high school operate in Dushanbe with Russian as the language of instruction, but also include ethnic Tajik and Uzbek students. An agreement ratified by the Russian Duma in December 1996 allows for dual Russian and Tajik citizenship.

Tensions persist between ethnic Uzbeks and Tajiks in some areas. Government officials have organized meetings at the local level to resolve conflicts; however, the authorities apparently have not arrested or prosecuted suspects in murders of ethnic Uzbeks in July 1998. Since the signing of the peace treaty in 1997, there have been multiple murders of ethnic Uzbeks in the Panj district. Some of these cases appear to be a matter of retaliation by returned ethnic Tajik refugees for injuries done to them by ethnic Uzbeks during the civil war. As a result of these attacks, some ethnic Uzbek families have moved to other locations in the district where Uzbeks predominate or to neighboring countries formerly part of the Soviet Union.

Section 6. Worker Rights

a. The Right of Association.—Both the Law on Social Organization and the Law on Trade Union Rights and Guarantees provide all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force is organized.

The Federation of Trade Unions, a docile holdover from the Soviet era, remains the dominant labor organization, although it since has shed its subordination to the Communist Party. The Federation consists of 19 professional trade unions and claims 1.5 million members, virtually all nonagricultural workers. The separate, independent Trade Union of Non-State Enterprises has registered unions in over 3,000 small and medium-sized enterprises, totaling about 30,000 employees (accord-

ing to 1998 figures). Many of the enterprises in which these two organizations nominally are present are not functioning because of the general economic crisis, and the membership of both has declined as a result. The Council of Ministers formally consults both organizations during the drafting of social welfare and worker rights legislation.

The Law on Tariff Agreements and Social Partnerships mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration can take place at the company, sector, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions have disavowed publicly the utility of strikes in a period of deepening economic crisis and high unemployment and have espoused compromise between management and workers.

There were no official, union-sanctioned strikes, nor were there any wildcat strikes, the last which occurred in 1996).

The law provides citizens but not unions with the right to affiliate freely with international organizations, including international labor organizations. It does not prohibit unions from affiliating with international organizations; however, there are no unions with international affiliations.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively is codified in the Law on Trade Union Rights and Guarantees, the Law on Social Partnerships and Collective Contracts, and the Law on Labor Protection. Employees, members of the trade union, and management participate in collective bargaining at the company level. Negotiations involving an industrial sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsens, it is increasingly difficult for enterprises to engage in effective collective bargaining.

The law prohibits antiunion discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist are considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor, except in cases defined in the law; however, it persists in some cases. No labor laws have been passed since the adoption of the Constitution in 1994. Neither the Law on Labor Protection nor the Law on Employment, both predating the present Constitution, specifically prohibits forced or compulsory labor. The Soviet practice of compelling students to pick cotton was banned officially in 1989; however, high school students in some regions still are sent to the fields to pick cotton, particularly in the Soghd (formerly Leninabad) area, sometimes with compensation. Residents of state or collective farms still may be required to pick cotton, although wages usually are not paid and these institutions no longer provide the services they once did.

The law does not specifically prohibit forced or bonded labor by children; however, apart from traditional participation by children in family agricultural or home craftsman work, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—According to labor laws, the minimum age for the employment of children is 16, the age at which children also may leave school legally. With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age can perform household-based labor and participate in agricultural work, which is classified as family assistance. Many children under 10 years of age work in the bazaars or sell newspapers or consumables on the street. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The law prohibits forced or bonded labor by children, and such practices generally do not occur, apart from family-based work (see Section 6.c.).

The Government lacks the resources and ability to regulate effectively acceptable working conditions for youths, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations during the year. The Government does not have a comprehensive policy for the elimination of the worst forms of child labor.

e. Acceptable Conditions of Work.—The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage.

The nominal minimum daily rate was approximately \$0.03 (100 Tajik rubles). This rate fell far short of providing a decent standard of living for a worker and family. The Government recognizes this problem and has retained certain subsidies for workers and their families at the minimum wage. Although the Government adopted a wage indexation law in 1993 and inflation has been high, the law has not been implemented.

Although slightly improved, the economy remained extremely weak during the year, with a majority of industrial operations standing idle. As factories and enterprises either remained closed or were shut down, workers were laid off or furloughed for extended periods.

Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise. The employee could then sell or barter those products in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1 1/2 times the normal rate and the rest of the overtime hours at double time.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government does not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. While new statistics were not available, it is virtually certain, given the continuing economic decline, that 1993 statistics, which reported that over one-fifth of the population worked under substandard conditions, greatly underreported the number working under those conditions. Workers can leave their jobs with 2 months' notice, but, given the bleak employment situation, few choose to do so. The Law on Labor Protection provides that workers can remove themselves from hazardous conditions without risking loss of employment; however, in view of the poor prospects for finding another job, few do so.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and it is a problem. The criminal code prohibits the recruitment of minors for sexual exploitation. There are credible reports that trafficking is a growing problem with wide ramifications. The most common form of trafficking is in women, for “export” to the Gulf states, Turkey, and Russia. The OSCE has identified several rings of traffickers that recruit young women for prostitution abroad. The International Organization for Migration is leading an initiative to fully research the problem. The Government has taken no significant action against trafficking. There is no evidence of official, institutional government involvement in the trafficking of persons, but it is believed that some individual authorities are involved. It is believed that, due to the large number of female Afghan refugees, Afghan women may be the subjects of trafficking abroad using Tajikistan as the transit country.

TURKEY

Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. In May it elected Ahmet Necdet Sezer President for a 7-year term. After 1999 parliamentary elections, Bulent Ecevit's Democratic Left Party (DSP), the Nationalist Action Party (MHP) led by Devlet Bahçeli, and former Prime Minister Mesut Yılmaz's Motherland Party (ANAP) formed a Government with Ecevit as Prime Minister. The military exercises substantial, but indirect, influence over government policy and actions—and politics—in the belief, shared by much of the population according to opinion polls, that it is the constitutional protector of the State. The Government generally respects the Constitution's provisions for an independent judiciary; however, various officials acknowledge the need for legislative changes to strengthen its independence.

For over 15 years, the Government has engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal until recently was the formation of a separate state of Kurdistan in southeastern Turkey. A state of emergency, declared in 1987, continues in four southeastern provinces that faced substantial PKK terrorist violence. Parliament in July lifted the state of emergency in Van province. The level of violence has been low since the second half of 1999; according to the Government, the number of PKK-related terrorist incidents declined almost 90 percent from 1999. The state of emergency region's governor has authority over the provincial governors in the four provinces, and seven adjacent ones including Van, for security matters. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public

order, and ordering village evacuations. The state of emergency decree was renewed in Diyarbakir, Hakkari, Sirnak, and Tunceli provinces for 4 months in November.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (Gendarmerie) carry out this function in the countryside. The armed forces, in support of the police and particularly the Jandarma, carry out operations against the PKK in the state of emergency region, thereby serving an internal security function. These operations have declined in number as the terrorist threat ebbed. Although civilian and military authorities remain publicly committed to the rule of law and respect for human rights, members of the security forces, including police "special teams" and anti-terror squads, other TNP personnel, village guards, and Jandarma committed serious human rights abuses such as torture.

In December 1999, the Government adopted a 3-year disinflation and fiscal adjustment program. During the first year of this program the Government registered some significant improvements in the macroeconomic situation. Inflation was cut nearly in half, to 39 percent. Economic growth increased significantly, after a recession in 1999, to about 6 percent of gross national product. This growth included a strong increase in imports, fueled partly by an increase in world oil prices and the Turkish lira's appreciation against the euro, which led to a wider than expected current account deficit. This deficit, together with delays in the structural aspects of the reform program and other factors, resulted in a large loss of investor confidence and capital outflows in November and early December. Intervention by the International Monetary Fund (IMF) helped to stabilize the situation in December, but the financial situation remained fragile at year's end. Another continuing problem is the projected deficit in energy sources, as energy demand grows at 9 percent per year. To find new sources of imported oil and gas, the Government is negotiating supply and pipeline agreements with countries in the Caspian basin.

The Government generally respected its citizens' human rights in a number of areas; however, its record was poor in several other areas, and serious problems remain. Extrajudicial killings continued, including deaths due to excessive use of force. Unlike the previous year, there were no deaths in detention due to torture and no reports of mystery killings and disappearances of political activists. Although the authorities failed to investigate adequately many past disappearances, ongoing investigation of the Turkish Hizbullah terrorist organization may lead to resolution of some cases. Torture, beatings, and other abuses by security forces remained widespread. Police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. The lack of universal and immediate access to an attorney, long detention periods for those held for political crimes (especially in the state of emergency region), and a culture of impunity are major factors in the commission of torture by police and other security forces. In addition the general climate of violence engendered by the PKK insurgency and urban leftist and Islamic fundamentalist terrorism, combined with a confession-oriented trial system, have hampered past efforts to carry out legal prohibitions against torture. With the decrease in counterterror operations and overall detentions in the southeast, fewer cases of abuse of detainees were reported; however, the proportion of cases of abuse remained at high levels, and many cases go unreported.

The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity that remained the single largest obstacle to reducing torture and prisoner abuse. Investigations and trials of officials suspected of abuses continued to be protracted and often inconclusive. Some important cases dating back several years continued without resolution, including the case against police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996. However, the case against 10 police accused of torturing 15 teenagers in Manisa in 1995 concluded in November with the conviction of all of the accused police.

Prison conditions remained poor. Clashes between prisoners and prison officials, especially over the issue of newly constructed small-cell prisons, which would break up the current ward system, resulted in deaths and injuries. In December during government actions to break up prisoner hunger strikes and violent protests against small-cell prisons, 31 prisoners and 2 security officials perished. Police and Jandarma continued to use arbitrary arrest and detention, although the number of such incidents declined. Prolonged pretrial detention and lengthy trials continued to be problems. Prosecutions brought by the Government in State Security Courts (SSC's) reflect a legal structure that protects state interests over individual rights. The Government infringed on citizens' privacy rights.

Limits on freedom of speech and of the press remained a serious problem. Some members of the country's political elite, bureaucracy, military, and judiciary argue that the State is threatened by both "reactionaries" (Islamists) and "separatists"

(Kurdish nationalists) and continued to call for parliamentary and judicial steps—many involving potential curbs on freedom of expression—to meet these threats. Consequently, authorities banned or confiscated numerous publications and raided newspaper offices, which encouraged continued self-censorship by some journalists.

Police and the courts continued to limit freedom of expression by using restrictions in the 1982 Constitution and several laws, including the 1991 Anti-Terror Law (disseminating separatist propaganda), Article 312 of the Penal Code (incitement to racial, ethnic, or religious enmity), Article 159 (concerning insults to Parliament, the army, republic, or judiciary), Article 160 (insulting the Turkish Republic), Article 169 (aiding an illegal organization), the Law to Protect Ataturk, and Article 16 of the Press Law. During the year there were no reports of journalists being returned to jail or trial for violating the 3-year “parole” following their release under the August 1999 “suspension of sentences for journalists” law. The Committee to Protect Journalists (CPJ) reported that 14 journalists were imprisoned at year’s end, compared with 18 in 1999, but some local journalists’ groups dispute whether all of them are legitimate journalists.

In September documents became public that allegedly demonstrated that senior military figures had debated a plan of action in 1998 to discredit Fazilet and HADEP parties, Human Rights Association (HRA) Chairman Akin Birdal, and several journalists. Many of the proposed actions described in the document did, in fact, occur.

Prosecutors, courts, and the police continued to take actions against those accused of challenging the secular nature or unity of the State, generally on the basis of the constitutional restrictions on freedom of expression. In August the Government announced a decree that would have streamlined procedures for firing civil servants suspected of Islamist or separatist tendencies. President Sezer, in a popular decision widely viewed as upholding the rule of law, returned the decree and argued that Parliament must consider an issue of this weight. Turkish General Staff (TGS) Chief Huseyin Kivrikoglu issued a statement in August reiterating the necessity of such measures and urging Parliament to pass appropriate legislation to dismiss civil servants who secretly support antistate, Islamist activities, but Parliament had not done so by year’s end. Government pressure continued on the People’s Democracy Party (HADEP), widely seen as supporting Kurdish cultural and political positions. This included a number of police raids and detentions. In June and November, HADEP Secretary General Ahmet Turan Demir was convicted of “disseminating separatist propaganda” and “supporting an illegal organization,” his cases are on appeal.

The National Security Council (NSC), a powerful, constitutionally mandated advisory body to the Government composed of equal numbers of senior military officers and civilian ministers, which is chaired by the President, continued to urge the Government to fight against the perceived threat of radical Islam and accused Islamist media of extremism and undermining the State. In March Islamist former Prime Minister Necmettin Erbakan was convicted under Article 312 of the Penal Code for “promoting enmity” along religious lines, for a speech he made in 1994 in which he referred to parliamentarians as “infidels.” His appeal was turned down in July, and he was sentenced to 1 year’s imprisonment. However, his prison sentence was suspended by the “Law on Probation of Sentences and Deferment of Judgements.” In August the Ankara SSC prosecutor filed an indictment against Fetullah Gulen, the leader of a moderate Islamic “Tarikat,” a Sufi religious order, on charges of plotting to overthrow the State by force. That investigation continued at year’s end.

Both HADEP and the Islamist Fazilet Party, whose predecessor parties the Government previously had closed, continued to be the subjects of closure cases during the year for alleged anticonstitutional activities. The cases were pending at year’s end, and elected officials of both parties remained in office and were able to perform their duties.

The state of emergency governor, courts, police, and the state broadcasting oversight body denied the Kurdish population, the largest single ethnic group in the southeast, the use of its language in election campaigning, education, broadcasting, and in some cultural activities. Kurdish language broadcasting remains illegal, although some senior government officials, including the Prime Minister, Foreign Minister Ismail Cem, Deputy Prime Minister Yilmaz, and the head of Turkey’s intelligence service, have supported publicly the idea of legalizing such broadcasts, thereby opening public debate on the issue. The military has spoken out against this step. Although printed material in Kurdish is legal, the police continue to interfere with the distribution of some newspapers, and the governor of the emergency region banned some Kurdish-language publications in that predominantly Kurdish area. Kurdish music recordings are widely available, but bans on numerous songs and singers persist. Few radio stations play Kurdish music. The Government’s broadcast

monitoring agency closed some stations for playing banned Kurdish music. In all these cases, the Government's argument for doing so was the allegedly objectionable political content.

The police and Jandarma continued to restrict freedom of assembly and association by strictly enforcing existing laws against unlawful meetings and demonstrations. The police beat, abused, detained, and harassed some demonstrators but showed restraint in other instances. For example, during the Kurdish holiday of Nevruz, authorities for the first time granted permission for a major celebration just outside of Diyarbakir. The gathering of more than 80,000 persons was peaceful, with no detentions, and the police interacted positively with the crowd.

The Government continued to impose some restrictions on religious minorities and on some forms of religious expression, and, at times, imposed some limits on freedom of movement. The Government, which argues that some human rights groups pursue extremist political agendas, continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for ideas that they expressed in public forums. The Diyarbakir branch of the leading human rights nongovernmental organization (NGO), the HRA was able to reopen in April but the Government ordered it closed again within 3 weeks. It reopened in October. Other NGO branches have been closed, temporarily or indefinitely, especially in the southeast. The HRA office in Van was closed from May to August but has since reopened; however, four HRA offices were closed at year's end for activities related to prison protests. Former HRA President Akin Birdal returned to prison in March to serve out his 9-month sentence for "inciting hatred and enmity" in nonviolent statements he made about the Kurdish problem and torture. He was released in September.

Violence against women, particularly spousal abuse, remained a serious problem, and discrimination against women persisted. Abuse of children and restrictions on ethnic minorities remained serious problems. Child labor remained a serious problem, although to a diminishing degree.

There are some restrictions on worker rights. Trafficking in women and girls to Turkey for the purpose of forced prostitution is a problem.

The situation in the southeast remained a serious concern. The Government has long denied the Kurdish population, who are a majority in the southeast, basic cultural and linguistic rights. The conflict between government security forces and separatist PKK terrorists slowed considerably, with only about 45 armed clashes during the year, according to the military. Past cases of extrajudicial killings went unsolved, and the police and Jandarma tortured civilians. The state of emergency authority abridged freedom of expression and association and put disproportionate pressure on Kurdish NGO's and HADEP. The number of villagers forcibly evacuated from their homes since the conflict began is estimated credibly to be between 380,000 and 1 million. There was one report of a village burning in October (see Section 1.e and 1.g). The Government gave permission for thousands of returns and initiated resettlement efforts; some villagers return by themselves. More than 10,000 persons have returned to their villages or moved to "consolidated villages" near their original homes.

In January the Government suspended the sentence of execution for convicted PKK leader Abdullah Ocalan, pending the results of his appeal to the European Court of Human Rights (ECHR). In December the ECHR accepted Ocalan's petition and will inquire into allegations regarding irregularities of his capture and trial in Turkey. Human rights observers, including the U.N. High Commissioner for Human Rights (UNHCHR), had raised several due process concerns in the Ocalan case.

The Government of Prime Minister Ecevit continued to place a strong emphasis on human rights issues; however, Parliament did not pass any human rights legislation in the first half of the year. In September the Cabinet debated and adopted, as a working and reference document, the "Copenhagen Criteria" report on steps Turkey must take to be in compliance with the European Union (EU)'s political criteria. The report, also known as the "Demirok Report," is an ambitious and comprehensive work plan of constitutional, legislative, and administrative reforms that addresses questions of free speech and assembly, the composition and powers of the NSC, and the role of the judiciary. In December Parliament passed the "Law on Probation of Sentences and Deferment of Judgements" granting conditional release to thousands of prison inmates and suspending the trials of hundreds of others. Some persons jailed on charges related to free expression, or to non-violent "support" for outlawed organizations, will benefit from this measure. Those convicted of torture will not be released, but those convicted of mistreatment or murder of detainees may benefit from the law. Partly in the context of EU accession requirements, officials continued to participate in a wide-ranging public debate on democracy and human rights. Senior jurists, the President, politicians, and public figures discussed amending the 1982 postmilitary coup era Constitution in order to allow greater indi-

vidual liberties. Public discussion of options for dealing with the southeast, particularly Kurdish cultural and linguistic issues, was vigorous. In addition the parliamentary Human Rights Committee issued a series of reports mid-year that detail the existence of torture in prisons and places of detention.

The armed forces emphasize human rights in training for officers and noncommissioned officers. Human rights groups attribute the limited number of human rights violations by military personnel to this effort. Human rights education in primary schools is mandatory, and it is an elective in high schools. Police and Jandarma also receive human rights training.

PKK abuses, which were common during its violent 16-year campaign against the Government and civilians, slowed considerably and were no longer an important factor of daily life in the southeast. In recent years, military pressure significantly reduced the PKK's effectiveness, and some PKK members—although not all—are heeding Ocalan's call for an end to the armed struggle and PKK withdrawal from Turkey. Violence declined to the point where the public's freedom to travel at night no longer is restricted in parts of the southeast. Thousands of heavily armed, militarily organized PKK members remain encamped in neighboring countries close to Turkey's borders.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—Credible reports of extrajudicial killings by government authorities continued. Although accurate figures were unavailable, figures were down from last year. For the first time in many years, the Human Rights Foundation (HRF) documentation center reported no deaths of detainees under torture. However, in December, 31 prison inmates and 2 security officials died following police intervention into widespread hunger strikes and other violent protests over F-type prisons (see Section 1.c.). Over the year, another five detainees died under suspicious circumstances such as alleged suicide. Investigations in these cases were rare, and in some cases the prisoners' associates confirmed the case as a suicide. More than 20 persons were shot to death by police, Jandarma, and the military allegedly for not heeding a "stop warning" during arrest or commission of a crime, illegal entry into the country, or in accidental shootings. In September Jandarma shot and killed Yilmaz Ozcan, allegedly while trying to capture him. Ozcan had cut down a tree without permission and was supposed to turn himself in for a jail sentence. According to the HRF, in October three villagers allegedly were killed by soldiers in Hakkari province when they returned to their home village to collect walnuts. Relatives who retrieved the bodies alleged that the victims' hands were tied behind their backs.

Some raids on criminals or alleged terrorist and militant safe houses by security forces resulted in deaths, sometimes due to excessive force. More than 20 persons died during such raids; most were allegedly members of the Hizbullah extremist group. Several police also died during the raids. More than 25 persons—mainly children or military personnel—were killed by mines in the southeast; many more were maimed.

The courts undertook investigations of most alleged extrajudicial killings; however, only a few yielded concrete results. The number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare. In November a police officer was arrested in Istanbul after fatally shooting a 14-year-old bystander during the apprehension of an unarmed robbery suspect. Punishments, when handed down, were generally minimal. Jurisdictional questions, efforts by the police leadership to protect officers, prosecutors' failure to investigate and bring charges, and the failure of courts to hand down appropriate sentences were all obstacles to resolving the problem of apparent security force impunity for such deaths. In some cases, monetary fines have not kept pace with the high rate of inflation.

After the Constitutional Court in January 1999 annulled part of the 1996 Provincial Authority Law allowing security officers to "fire directly and without hesitation" at persons who ignored a warning to stop, the Government did not issue a new regulation. Therefore, the old law on police duties and authorities remains in force, stipulating that police must apply certain procedures before firing.

In cases of past extrajudicial killings by police, Jandarma, or prison guards, 24 trials were begun during the year or continued from previous years. Another eight trials ended this year. Out of the 67 police or Jandarma on trial in these 8 cases, 2 were convicted and 65 were acquitted. In January the Court of Cassation reversed the Diyarbakir SSC's verdict that convicted six members of a Jandarma

antinarcotics squad accused of killing a businessman in 1991. A new trial for the six officers began in May.

The trial continued of six police officers who shot and killed two suspects in Adana in October 1999. Four of the officers face sentences of between 24 and 30 years, and the chief superintendent and another officer face 6 to 15 years in jail on charges of deliberate homicide. The officers remain on duty. Two of these officers also had been on trial for the January 1998 shooting deaths of three persons in Adana, along with another officer. The three were acquitted in April on the grounds of self-defense.

Following an investigation of the September 1999 incident at Ulucanlar prison, where Jandarma killed 10 prisoners and seriously injured others during a disturbance, a prosecutor ruled that no criminal prosecution of the security officials was necessary. A court upheld this decision in May. A trial also began in October in the case of 85 prisoners for the deaths of 5 other prisoners during the incident. In June the Ankara regional administrative court reversed the earlier "nonprosecution" decision, allowing a case to be opened against 150 Jandarma and soldiers. A report by the parliamentary Human Rights Committee into the Ulucanlar incident states that security forces "fired with an intent to kill" and inflicted torture. According to the report, medical treatment of prisoners involved in the incident was delayed or denied. Furthermore, autopsies of the prisoners who died indicated that some may have been shot at close range or tortured before being shot, contradicting the authorities' version of events. Then-committee chair Sema Piskinsut added publicly that since the autopsy findings did not meet international standards and some evidence such as prisoners' clothing was removed, the results were inconclusive.

In September the Izmir security directorate police investigation board recommended that the policemen accused of killing Alpaslan Yelden in custody in July 1999, in an attempt to get his confession, should be expelled from the force. A complaint was filed against the policemen at the Izmir public prosecutor's office. A court case continues against three police officers accused of murdering trade unionist Suleyman Yeter in March 1999 while he was in custody at the Istanbul security directorate political police center. Yeter had been a plaintiff in an ongoing trial of eight police officers who allegedly had tortured and raped detainees in 1997.

On January 20, a final Appeals Court upheld the sentences of 7 or more years' imprisonment for five police officers convicted of beating journalist Metin Goktepe to death in 1996. The court also ruled that the police superintendent on duty, Seydi Kose, should be tried for misuse of power rather than murder. In April, Kose was sentenced to 1 year's imprisonment (8 months' imprisonment on this charge), relieved from public service for 5 months, and fined the equivalent of 1 dollar. He was released for time served during the trial. Goktepe, a correspondent for the left-wing newspaper, Evrensel, died from wounds inflicted while in detention in Istanbul in 1996. Police initially denied that he was detained, then later said that he died from a fall.

The trial of 29 Jandarma soldiers and 36 anti-terror police officers charged with manslaughter in the 1996 beating deaths of 10 prisoners while quelling a prison disturbance in Diyarbakir, continued into its fifth year.

In March a Trabzon criminal court convicted two policemen for their role in causing the deaths of nine persons during riots in Gazi, Istanbul in March 1995. The trial, which began in November 1996, was moved from Istanbul for security reasons. The court sentenced one policeman to a total of 96 years' imprisonment (24 each for four victims) but reduced the sentence to 6 years and 8 months, in part because the victims had been acting illegally and because the defendant surrendered voluntarily. He was released for time served and suspended from public service for 4.5 months. Another policeman was given two 24-year sentences, but these were reduced, for the same reasons, to 3 years and 4 months (with a suspension from public service for 2.5 months). He also was released for time served. The other 18 policemen were acquitted because the court ruled that there was no definitive or convincing evidence against them.

The trial continued in Istanbul of policeman Abdullah Bozkurt for the 1994 shooting and killing of Vedat Han Gulsenoglu. Bozkurt has not appeared for trial sessions for a year, leading to continued postponements. According to the victim's lawyer, Bozkurt currently works as a policeman in Isparta. He is under a ruling of imprisonment in absentia for the duration of the trial. In July the court board decided to send a letter to the police station to locate the gun used in the incident, to initiate an investigation of why Bozkurt cannot be found, and to make a complaint against officials who did not carry out Bozkurt's arrest. There were no results of these actions at year's end.

In November the Diyarbakir Provincial Administrative Board decided to refuse a request for prosecution of police officers who allegedly killed 18-year-old detainee

Hamit Cakar in 1998. Cakar, detained following a hunger strike at Diyarbakir's HADEP provincial organization building, died in custody allegedly due to "cardiac problems." Lawyers for Cakar's family have appealed to the Supreme Administrative Court (Danistay.)

The ECHR ruled against Turkey on nine cases during the year in which persons had been killed in detention or taken into custody and then disappeared. In all of these cases, the court noted that domestic legal remedies were insufficient. However, in one case the court ruled that security forces were not responsible for the death of a Kurdish activist, and that the State had taken reasonable measures to find the real killers.

According to human rights monitors, there were no killings of high-profile, pro-Kurdish figures in the southeast or of pro-Kurdish politicians, journalists, or lawyers. The HRF reported a nationwide total of 10 unsolved killings, some of which may have had a political component. In May the Diyarbakir Provincial Chairman for the right-wing National Action Party (MHP) was killed while walking near his home. In December a human rights activist in Eskisehir was allegedly abducted by persons claiming to be police officers, forced to drink pesticide, and left for dead (although he was found and taken to a hospital, where he recovered). According to information provided by the Governor of Eskisehir, the assailants were criminals posing as police officers.

The PKK discontinued its practice of targeted political murders, but it remains armed and in some cases clashed with soldiers, Jandarma, and state-paid paramilitary village guards. According to the Turkish National Police, during the year, 35 security officials and 24 civilians died in terrorist incidents, and 270 PKK members were killed by security forces (see Section 1.g.).

In January police discovered evidence of the Turkish Hizbullah terrorist group's kidnaping and killing of moderate Islamic business figures, religious leaders, and intellectuals, including prominent Islamist feminist Konca Kuris. The Government captured dozens of alleged Hizbullah militants and in July indicted 21 for a number of murders, including those of Ahmet Taner Kislali and Uğur Mumcu. An unrelated suspect in Mumcu's killing had been held in custody since the previous year; he was released from custody but remains on trial.

According to the office of the emergency region governor, over 2,600 persons in that region alone were detained this year on suspicion of links to Hizbullah (see Section 1.g.). Some of these were teachers and imams. Many alleged Hizbullah members claim that they were tortured in custody, a claim that has been supported in some cases by medical evidence. Some murders from previous years, especially of moderate Kurdish leaders, may have been committed by Hizbullah. A Hizbullah suspect reportedly confessed in police custody that he murdered Ramazan Sat in 1992 for "being a PKK member."

Far-left armed groups, such as Revolutionary Left (Dev Sol/DHKP-C), the Islamic Eastern Raider's Front (IBDA-C), and the Turkish Workers and Peasants' Liberation Army (TIKKO), continued to commit acts of terrorism, in some cases leading to deaths.

b. Disappearance.—Unlike the previous year, there were no reports of disappearances of political activists. Accurate statistics on the disappearance of those previously under detention, or seen being taken into custody by security forces or law enforcement officials, are hard to confirm. However, the HRF claims that there were no such disappearances in 2000, compared with 36 of this type in 1999.

In March a trial ended for two police officers in connection with the disappearance of suspect Mural Yildiz in 1995. The two were convicted of "negligence of duty;" a 3-month prison term was converted to a fine of about \$2 (1.2 million TL). The judge apologized to Yildiz's mother for the fact that inflation had rendered the monetary fine meaningless.

There was no new information available on the case of Aydin Esmer, who disappeared according to Amnesty International (AI) in September 1999 while returning to his home in Diyarbakir province from Mus province.

The body of Omer Cinar, who disappeared in Istanbul in November 1999, was discovered in one of the "grave houses" where Hizbullah operatives killed and buried their victims. His body was found in the Beykoz district of Istanbul in January, along with nine other bodies, and police confirmed his identity.

No charges have been filed in the 1998 disappearances from Izmir of editors Neslihan Uslu, Hasan Aydogan, Metin Andac, and Mehmet Mandal. The 1997 disappearances of Ilyas Eren and 73-year-old Fikri Ozgen, who allegedly were taken into custody by plainclothes police, were not resolved.

The Government made efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operates the Bureau for the Investigation of Missing Persons, which is open 24 hours a day. Since 1996, according to the Min-

istry of Interior, 425 applications of a political nature for missing persons were made. Of these, 88 were found alive, 18 were in prison, 46 died, and 273 were still missing at year's end. Most families of persons who disappeared hold the Government and security forces responsible and consequently avoid contact with the government office. AI criticizes the bureau's findings for falling short of the thorough and impartial investigations required in accordance with international standards. The Ankara police operate a telephone number through which the public can obtain information about detainees.

The PKK's practice of kidnaping young men or threatening their families as part of its recruiting effort and abductions by PKK terrorists of local villagers and state officials has virtually ended, due to reduced PKK capabilities in the southeast and calls by its captured leader Ocalan for the PKK to withdraw from its former operating areas in the country.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, members of the security forces continue to torture, beat, and otherwise abuse persons regularly. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and government initiatives designed to address the problem, torture continues to be widespread. However, based on reports from a number of sources, the incidence of torture appears to have declined somewhat, especially in the southeast, where there have been fewer political detentions.

Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes usually suffer some torture at the hands of police and Jandarma during periods of incommunicado detention before they are brought before a court; ordinary criminal suspects also report frequent torture and mistreatment by police. The HRF estimates the number of credible applications by torture victims at its 5 national treatment centers to be approximately 1,030 in 2000, compared with some 700 in 1999. These figures include complaints stemming from previous years' incidents. The HRF believes that these numbers seriously underrepresent the actual number of persons tortured while in detention or prison. Human rights advocates believe that thousands of detainees were tortured during the year in the southeast, where the problem is particularly serious, but that only 5 to 20 percent report torture because they fear retaliation or believe that complaints are futile.

Some of the factors affecting the rate of torture are the use of incommunicado detention and the number of detentions in general; reduced PKK violence, which has eased treatment by security officials; and increased concern about the problem from many sources. Human rights monitors report improvement in some areas of the country, especially in the first 6 months of the year, but problems continued, especially in more rural areas. All report that torture remains widespread in the southeast and in large cities.

Because the arresting officer is responsible for interrogating the suspect, officers frequently resort to torture to obtain a confession that would justify the arrest. There is allegedly a difference in police practice for those arrested for ordinary crimes (who are beaten until they give a confession) and those arrested for "political" crimes. If suspects detained under the Anti-Terror Law do not produce information and confessions, interrogators often allegedly shift from beatings to electric shock, cold water from high-pressure hoses, and other methods. Observers say that security officials often torture political detainees simply to express anger and to intimidate the detainees.

Human rights monitors and medical experts say that security officials often use methods that do not leave physical traces, such as beating with weighted bags instead of clubs or fists. A new method that was reported is the application of electric shocks to a metal chair where the detainee sits, rather than directly to the body. Commonly employed methods of torture reported by the HRF's treatment centers include: Systematic beatings; stripping and blindfolding; exposure to extreme cold or high-pressure cold water hoses; electric shocks; beatings on the soles of the feet (*falaka*) and genitalia; hanging by the arms; food and sleep deprivation; heavy weights hung on the body; water dripped onto the head; burns; hanging sandbags on the neck; near-suffocation by placing bags over the head; vaginal and anal rape with truncheons and, in some instances, gun barrels; squeezing and twisting of testicles; and other forms of sexual abuse. In some cases, multiple torture methods (e.g., hanging and electric shocks) are employed at the same time. Other methods used are forced prolonged standing, isolation, loud music, witnessing or hearing torture, being driven to the countryside for a mock execution, and threats to detainees or their family members.

Female detainees often face sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers,

female detainees often are touched, insulted, and threatened with rape. A poll conducted by an NGO called the Legal Counsel Project Against Sexual Harassment and Rape (affiliated with the HRA) indicated that three-quarters of female detainees had experienced sexual violence, but only one-sixth of those who had undergone such violence reported it to the authorities.

The deputy mayor of Diyarbakir, Ramazan Tekin, was detained in January and claimed that he was subjected to severe torture. As a result of testimony given during this detention, three HADEP mayors were arrested the following month for "assisting the PKK" (see Sections 2.b. and 4). According to news reports, in March the president of HADEP's women's commission in Mardin, Gulistan Durc, alleged that she was tortured while in detention. Durc, who was detained under suspicion of supporting the PKK, was sent to a Diyarbakir hospital for treatment following a medical exam. The governor refused permission to put the police officers involved on trial. The prosecutor opposed this decision and appealed it to the regional administrative court, which upheld the governor's ruling. The prosecutor then agreed to drop the case; Durc's lawyer has appealed to the Mardin penal court.

In May the Izmir SSC acquitted Dr. Zeki Uzun of charges that he supported the PKK by providing medical treatment to two female terrorists. Uzun, a gynecologist who volunteers at the HRF Izmir treatment and rehabilitation center, was taken into custody in October 1999 during a raid on his private clinic by anti-terror police. He credibly reported being tortured in detention. Uzun filed a formal complaint against the Izmir anti-terror department, but a prosecutor concluded that there were insufficient grounds to pursue a case. In August Dr. Uzun opened a compensation case against the Interior Ministry for his torture and against some newspapers for slander. His attorney applied to the ECHR with a complaint of prolonged detention, torture, and violation of Dr. Uzun's individual rights.

In May the Public Prosecutor's Office in Mardin indicted seven police officers for allegedly raping and torturing a female suspect in 1992. When preparing the indictment the prosecutor accepted an alternative medical report by the HRF's Istanbul torture treatment center. Prosecutors and courts have used such reports only a few times, since normally all medical reports come from state-employed doctors. The alleged victim was hospitalized several times during the period of her detention. The police officers remain on duty.

Government officials admit that torture occurs but deny that it is systematic. In September State Minister for Human Rights Rustu Yucelen said publicly, after visiting a detention center in Icel, that the State was opposed to torture and that "speculation" that the police were using torture was initiated by powers acting against Turkey. In response to criticism from the HRA, he said that his remarks had been misunderstood and that torture was against state policy. The Ecevit Government was in regular dialog with the Council of Europe's Committee for the Prevention of Torture (CPT). The Government accepted an unannounced visit by the CPT in July and invited members of the committee to help in the prison crisis in December, and allowed the publication of 1999 and 2000 CPT visit reports.

Regulations on detention were supplemented in 1999 by a directive against torture from the Prime Minister, which called for public prosecutors to make unscheduled inspections of places of detention. The Parliamentary Human Rights Committee also has publicly called on prosecutors to carry out this aspect of their job more effectively. The Prime Minister asked for reports from prosecutors every 3 months on this process. According to officials at the Ministry of Interior, over a thousand inspections have been made and these reports are on file with the High Council for Human Rights Coordination. According to Minister for Human Rights Yucelen, from July to September, a total of 2,309 inspections (at both police and Jandarma stations) were carried out. The reports were not made public. Although some provincial authorities said that the inspections uncovered no deficiencies, others claimed that they led to some improvements in practices. Human rights observers say that the inspections and reports are cursory at best, do not include any detainee interviews, and give a false impression of government attention to the problem. They also question prosecutors' ability to influence police practices. There is little public awareness of these visits.

Private attorneys and human rights monitors continue to report uneven implementation of the right to immediate access to an attorney by those arrested for common crimes and access after 14 days of detention for those detained under the Anti-Terror Law. No immediate access to an attorney is provided for under the law for persons whose cases fall under the jurisdiction of the State Security Courts. This includes individuals suspected of drug trafficking, smuggling, and crimes under the Anti-Terror Law. The lack of early access to an attorney is a major factor in the occurrence of torture by police and security forces.

State-employed doctors give all medical exams for detainees. The Government maintains that medical examinations occur once during detention and a second time before either arraignment or release; however, the examinations generally are exceedingly brief and informal, often lasting less than a minute. In some cases doctors were brought reports to sign, but no examinees. Former detainees assert that some medical examinations occur too long after the event to reveal any definitive evidence of torture. Lawyers contend that medical reports—their only basis for filing a claim of torture—are not placed regularly in prisoners' files.

Pressures against doctors continue. In 1999 the governor of Istanbul tried to get a doctor fired from her job at Istanbul University. The doctor, Sebnem Korur Fincanci, had certified that trade unionist Suleyman Yeter had been killed under torture while in detention (see Section 1.a.). Fincanci filed suit and a compensation trial against the governor opened in May at the Istanbul Penal Court. She claimed that he had accused her, in a letter to the university president, of "having sympathy for illegal left-wing views" and going to "extreme" lengths to prove that the police officers were guilty of Yeter's death. The court ruled that the trial could take place since writing the letter was outside the governor's official duties. However, in November the Penal Court decided not to pursue the case and forwarded the file to the Administrative Court for its consideration. Fincanci has appealed.

Citing security reasons, members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in the intimidation of both the detainee and the physician. Since September, however, Health Ministry regulations have allowed doctors to ask security force members to leave during examinations. However, some doctors claim that in practice they cannot do so because they could face disciplinary procedures or court cases. According to the Medical Association and other human rights observers, the presence of a security officer—at times the one allegedly responsible for torture—can lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or report physical findings but not draw reasonable medical inferences that torture occurred.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice there are few such prosecutions. Dr. Nur Birgen, chairperson of a state forensic medical facility in Istanbul, was convicted in December of giving false medical reports and concealing evidence of torture. The court sentenced her to 3 months' imprisonment, less than the normal 6-month minimum sentence, and then commuted the sentence to a suspended \$1.50 (1 million TL) fine. Birgen had been sanctioned in 1998 by the Turkish Medical Doctor's Association, and her medical license was ordered suspended for 6 months. However, the Justice Ministry concluded that since Dr. Birgen is a state employee, the suspension fell under a September 1999 law that offered amnesty for administrative punishments for civil servants. The Medical Association filed suit objecting to this decision and the Ankara Administrative Court ruled that the Justice Ministry's action was illegal. Meanwhile, a trial continues against a lawyer who pressed for Birgen's suspension for insulting her by comparing her to the Nazi doctor Josef Mengele.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment is rare, and accused officers usually remain on duty pending a decision, which can take years. According to the TNP, judicial action taken during the year against police charged with torture or mistreatment resulted in 72 convictions, 273 acquittals, and 19 ongoing prosecutions. Administrative decisions determined that no trial was needed in 252 other cases, and that no charges needed to be brought against 140 other officers accused of abuse. During the year, 63 police officers also were given administrative punishments, such as suspensions, for torture or mistreatment, while a decision not to investigate was given in 890 cases. According to the Jandarma, 253 Jandarma were prosecuted during the year, resulting in 52 convictions, 53 acquittals, and 149 ongoing trials. No military personnel were prosecuted for torture; there is no new information on previous years' trials.

According to the Justice Ministry, during the year 1,258 cases were brought to prosecutors against police and Jandarma, and of these, 664 investigations are ongoing; 422 indictments were forwarded to the courts, and 172 cases did not go forward. The courts concluded 165 of the 422 cases they received, resulting in 71 convictions, 79 acquittals, and 15 not authorized or improper jurisdiction decisions; another 257 cases were ongoing.

Legal, administrative, and bureaucratic barriers impede prosecutions and contribute to the low number of convictions for torture. The December 1999 Civil Servant Prosecution Law has not resulted in an immediate change in approach by the

State to allowing prosecutions, since civil servants are generally immune from direct prosecution unless their superiors grant permission to investigate them. The law authorizes prosecutors to begin collecting evidence immediately to substantiate claims of torture by security officials, but in practice this rarely occurs. Within a 30-day deadline, with a possible 15-day extension, a civil servant's supervisor supposedly must decide whether that employee can be prosecuted (or whether the employee is to be disciplined otherwise). In at least one high-profile case—that of Ramazan Tekin, the deputy mayor of Diyarbakir—this deadline was not observed. This provision has been widely criticized. Many jurists as well as human rights observers have said that the new law still falls short of the needed reform. The law allows prosecutors to open investigations against persons suspected of falsely accusing a civil servant based on “enmity, hatred or slandering.”

The failure to enforce domestic and international bans on torture fosters a climate of official impunity that encourages the systematic abuse of detainees. Detainees state that prosecutors ignore their claims of abuse during interrogation. Some prosecutors believe that all allegations of torture are manipulated by political organizations such as the PKK and claim that detainees fabricate torture claims and injure themselves to accuse and defame the security forces.

Under the criminal procedures law, prosecutors may initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects. In cases where township security directors or Jandarma commanders are accused of torture, the prosecutor must obtain permission to initiate an investigation from the Ministry of Justice, because these officials are deemed to have a status equal to that of judges. Finally, in the state of emergency regions, any prosecution or legal action directed at government authorities must be approved by the state of emergency Governor. Approval is rare.

In February the then-chair of Parliament's Human Rights Committee, Sema Piskinsut, and two other Members of Parliament (M.P.'s) led an unannounced early morning raid on an Istanbul police station. This unprecedented raid was based on tips that this particular police station was notorious for torture, gathered during a prison research trip from women and children who were prisoners. The M.P.'s seized several instruments of torture, including a so-called “Palestinian hanger,” and required the police chief to sign a statement affirming that these were found in his station. She showed the torture implements to the press and publicly called for an investigation. When the investigation appeared to be stalled, another M.P. on her committee pressed the Interior Ministry for action. According to the Turkish National Police, the many administrative processes necessary to investigate the sub-provincial security director and the chief of the police station, were nearly complete at year's end. However, the public prosecutor decided not to pursue a judicial case against the two officials. The police station has been pulled down and a new station is being constructed, according to an Istanbul M.P. Soon after the raid, Interior Minister Tantan met with Parliament's Human Rights Committee and said publicly that “it is a mistake to define human rights only as violations by security forces.”

A higher court reversed a January decision by the Iskendurun chief public prosecutor not to prosecute anti-terror police accused of sexually harassing, raping with a truncheon, and torturing two female high school students arrested in March 1999. The trial of the four police officers began in March. However, at the same time, the conviction of the two girls on grounds of belonging to a terrorist organization and firebombing a bus—a conviction based solely on the confessions allegedly obtained under torture—was upheld by the Court of Cassation in June. The girls are serving 12-year and 18-year sentences.

Five defendants in Istanbul have been jailed since 1995 without having been convicted (they are accused of being members of TIKKO). Their trial is pending the outcome of a case against five police officers accused of torturing them. At a September hearing in the case, none of the accused police officers appeared in court, the case was postponed again, and the detainees were sent back to jail.

Songul Yildiz was acquitted in 1997 on charges of being a PKK member. In 1997 two policemen received 10-month suspended sentences for mistreatment and were suspended from the police force for 2.5 months; both were still on duty by year's end.

A case against 12 policemen accused of torturing the September 1997 “Musa Anter Peace Train” detainees continues, but charges may be suspended under a new law (see Section 4).

On November 15, the Manisa court sentenced 10 policemen to between 5 and 10 years in jail for torturing 15 teenagers in Manisa in 1995. The court found that the students exhibited evidence of physical and psychological torture while under detention; lawyers for the teenagers said that their clients were tortured by means of beating, electric shocks, hosing with cold pressurized water after having been

stripped, and sexual abuse. The policemen previously had been acquitted twice due to lack of evidence, but each time the appeals court overruled the acquittal and ordered a retrial. The policemen cannot appeal the November decision again, but have applied to the Court of Cassation to reduce their sentences. The case against the students at the State Security Court in Izmir ended with their acquittal in late November. The Court of Cassation had overturned the January 1997 convictions of 10 of the students on charges of belonging to an illegal leftist organization; 4 other students originally were acquitted.

Police harass, beat, and abuse demonstrators (see Section 2.b.). Police also harass and abuse journalists (see Section 2.a.).

The ECHR ruled against Turkey in several cases of torture from previous years. In one case the victim had suffered brain damage. The ECHR noted that domestic legal remedies were insufficient because prosecutors had not taken adequate steps to investigate the torture claims.

Prison conditions remain poor. With some exceptions (i.e., for high-profile political prisoners or for those with gang connections), prisons remain plagued by overcrowding, underfunding, and very poor administration. Despite the existence of separate juvenile facilities, juveniles and adults sometimes are incarcerated together, and most prisons lack adequate medical care for routine treatment or even medical emergencies. Families often must supplement the poor quality food. Human rights observers estimate that at any given time, at least one-quarter of those in prison are awaiting trial or the outcome of their trial.

In most cases, prisons are run on the ward system. Prisoners with similar ideological views are incarcerated together and, in some cases indoctrinate and punish their own, resulting in gang and terrorist group domination of entire wards. The Ministry of Justice said publicly in December that it has not fully controlled the prisons since 1991. Efforts by the Ministry of Justice over the past year to construct and transfer inmates to a small-group "F-type" cell system were criticized strongly by human rights groups and prisoners' groups. Groups linked to terrorist organizations claimed that the ward system was a more humane form of incarceration. Critics of the F-type cells claim that these cells allow authorities to isolate single inmates or small groups of prisoners from other inmates, and to control prisoners' access to water, food, electricity, and toilets.

In November and December, hundreds of prisoners, mostly affiliated with far-left terrorist groups, went on hunger strikes to protest F-type prisons, claiming that they intended to starve themselves to death. The Government entered the prisons in December, after the fast had reached its sixtieth day and negotiations to end it had not been successful. During and after the government intervention, at least 31 inmates and 2 Jandarma were killed. Weapons and other illegal materials were found in the cells during the operation. The cause of many of the deaths—including those who allegedly set themselves on fire on the order of their organization—is unclear. The Government, not following normal practice, refused to allow prisoner families or lawyers to see autopsy results. No open investigation has been planned, although there may be internal disciplinary proceedings for some prison officials. Some prisoners were transferred to newly-opened cell-system prisons. Two members of the Parliamentary Human Rights Committee visited one of the new prisons at the end of the year. According to their report, 341 prisoners from 5 other jails had been transferred to the new cell-system prison. Some of them, as well as prisoners in other jails, continued their hunger strikes while many others complained of brutal handling by the authorities or inadequate medical treatment. Prisoners' strikes and demonstrations by supporters' groups and human rights organizations, particularly the HRA, continued and in many cases led to detentions. Four offices of the HRA were closed in November and December for activities relating to the prison protests (see Section 4.)

During an attempt to bring prisoners to their court appearances in July, prison authorities injured 61 inmates at Burdur Prison. One prisoner's arm was torn off by machinery used to break down a wall. Inmates alleged that they were tortured following the incident.

In May and June, the Parliament's Human Rights Committee, under then-chairman Sema Piskinsut, released a series of comprehensive and highly critical reports on prison conditions throughout the country. In October Piskinsut was not re-appointed to chair the committee. Some critics of the Government claim that this was in response to her activism. She was replaced by Huseyin Akgul of the MHP. The reports were based on 2 years of visits by the committee (which includes members from all 5 political parties represented in Parliament) and interviews with over 8,500 inmates. The reports, which also included evaluations of some detention sites such as police cells, alleged that torture remains widespread in the prison system and that those in positions of authority, including prosecutors and provincial gov-

ernors, were not doing enough to ensure adequate living conditions for inmates. AI noted that these reports represented a significant step forward by officials in documenting torture as well as prison conditions.

The Government permits prison visits by representatives of some international organizations, such as the European Committee to Prevent Torture and the U.N. Special Rapporteur on Torture. The CPT visited in July, and again in December. However, the Government does not allow NGO's to visit prisons except for individuals acting in their capacity as lawyers. A delegation from AI visited in April and Human Rights Watch (HRW) conducted research into prisons over the course of the year. Delegations from AI and HRW met with Turkish officials as part of their research into prison issues; however, AI and HRW assert that during their return visits in December, following the prison crisis, government officials declined to meet with them.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention continued to be problems. To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime. The maximum detention period for those charged with individual common crimes is 24 hours, which may be extended by a judge to a maximum of 7 days; this period is longer for groups. In the state of emergency area, the use of a prosecutor's detention order is in practice extremely rare. According to the HRA, there was significant improvement in the first 8 months of the year in numbers of detentions (21,866) compared with the same period in 1999 (40,380). However, the HRF claims that in the final 2 months of the year there was an upsurge in unregistered detentions in connection with prison protests.

Under the Criminal Code, those detained for individual common crimes are entitled to immediate access to an attorney and may meet and confer with an attorney at any time. In practice, legal experts assert that the authorities do not always respect these provisions and that most citizens do not exercise this right, either because they are unaware of it, or because they fear possibly antagonizing the authorities. The court consistently provides attorneys only to minors or deaf-mutes who cannot represent themselves. By law a detainee's next of kin must be notified as soon as possible after arrest. In criminal and civil cases this requirement is observed.

In state security cases, the pretrial detention period without charge is longer, and the law provides for no immediate access to an attorney. The lack of early access to an attorney is a major factor in the continued use of torture by security forces. Persons detained for individual crimes under the Anti-Terror Law must be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of 48 hours, extended for up to 4 days at a prosecutor's discretion and, with a judge's permission, which is almost always granted, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days.

Private attorneys and human rights monitors reported uneven implementation of these regulations, especially attorney access. AI asserts that lawyers rarely are permitted adequate access to their clients, even after the fourth day, although they may be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often leaves the detainee's lawyer and family members with no information about the detention, and police often refuse to disclose the place of detention or even the fact that the detainee is being held. Current regulations on detention and arrest procedures exempt the authorities from the obligation to inform relatives in the case of state security detentions. In addition legal limits on detention periods at times are circumvented by subjecting a detainee to successive charges or falsifying detention records. The police maintain 24-hour monitoring bureaus that are required to record detentions on computers. According to the HRA, in the state of emergency region the police detain, beat, and then release groups after the maximum period of detention in order to intimidate them.

Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence.

The decision concerning early access to counsel in such cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, sometimes for years. Many such cases involve persons accused

of violent crimes, but there are cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials.

On several occasions, the police beat and detained peaceful demonstrators (see Sections 1.c. and 2.b.). During a September protest over prison conditions officers beat the relatives of prisoners. The police also beat and detained members of political parties (see Section 3). Students detained while making a press statement in Istanbul in June claimed that they were tortured, and one alleged that the police broke her arm.

The Government does not use forced external exile. It retains the authority to authorize internal exile (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches; however, various officials acknowledge the need for legislative changes to strengthen the judiciary's independence. The Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power; however, in practice the Government and the NSC periodically issue announcements or directives about threats to the State, which could be interpreted as instructions to the judiciary. The High Council of Judges and Prosecutors, which is appointed by the President and includes the Minister of Justice, selects judges and prosecutors for the higher courts and is responsible for oversight of those in the lower courts. The composition of the High Council could impact the independence of the judiciary; although the Constitution provides for security of tenure, the High Council controls the career paths of judges through appointments, transfers, promotions, and other matters, and its decisions are not subject to review. Various government and judicial officials during the year discussed the need to adopt legislative changes to strengthen the independence of the judiciary.

The judicial system is composed of general law courts, military courts, the SSC's, and the Constitutional Court, the nation's highest court. The Court of Cassation hears appeals for criminal cases, including from the SSC's. The Council of State hears appeals of administrative cases or those between government entities. Most cases are prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants, including police, can be tried only after administrative approval from the governor or subgovernor, which are centrally appointed positions.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the banning of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court as well. However, the Court may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

Military courts, with their own appeals system, hear cases involving military law, members of the armed forces, and may try civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft.

SSC's are composed of panels of five members: Three civilian judges and two prosecutors. SSC's sit in eight cities and try defendants accused of crimes such as terrorism, gang-related crimes, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the State." These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts may be appealed only to a specialized department of the Court of Cassation (Appeals Court) dealing with crimes against state security. During the year, the SSC's dealt mainly with cases under the Anti-Terror Law and Section 312 of the Criminal Code. Human rights observers cite prosecutions of leaders of the political Islamic movement, nonviolent political leaders associated with the Kurdish issue, and persons who criticize the military or the Government's practices as evidence that the SSC's often serve a primarily political purpose.

PKK leader Abdullah Ocalan, sentenced to death in 1999, remained in prison at year's end. Carrying out the death sentence still requires action and approval by the Justice Ministry, the Council of Ministers, Parliament, and the President. The Government in January decided to agree to the request of the ECHR to suspend the death sentence process until the court completes its judicial processes. In December the ECHR accepted Ocalan's petition and will inquire into allegations regarding irregularities of his capture and trial in the country.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complain that they have few resources to do so, and many have begun to call for "judicial police" who could help investigate and gather evidence. Human rights observers and Ministry of Justice officials note that problems can arise from the fact that the police report to the Interior Ministry, not to the courts.

Prosecutors are charged with determining which law has been broken and objectively presenting the facts to the court. Defense lawyers do not have equal status with prosecutors. There is no jury system; a judge or a panel of judges decides all cases. Trials for political crimes or torture frequently last for months or years, with one or two hearings scheduled each month. Proceedings against security officials often are delayed because officers do not submit statements promptly or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely occurs and then only after a separate case determining the legality of the evidence is resolved. In practice a trial based on a confession allegedly coerced under torture may proceed and even conclude, before the court has established the merits of the torture allegations.

In January a "prisons protocol" signed by the Ministries of Justice, Interior, and Health called for intensified searches of those entering prisons, including lawyers and prosecutors. The Bar Association claims that defense lawyers are searched intensively, in contrast to other personnel, and that the new rule permits prison officials to confiscate documents from prisoners that may relate to their defense. The State is required to return the documents if they are defense-related. The Government issued a second circular, in March, requesting that those who conduct the searches do so in a respectful manner and bear in mind the right of access and of private correspondence between a client and his attorney.

Defense attorneys routinely are denied access to files that the State asserts deal with national intelligence or security matters, especially in cases heard by SSC's. Furthermore, attorneys defending controversial cases have been subject to legal charges, including spurious accusations that they are couriers for clients who are alleged terrorists. Hasan Dogan, a Malatya attorney who frequently defends suspects in SSC cases, was acquitted in 1999 of charges by an informer that he was a member of the PKK or assisted the organization. An appeals court reversed his acquittal and he was sentenced to 3 years and 9 months. He has appealed this verdict and the case was still pending. He also faces the same charge in another case, and was sentenced in December to 3 years, 9 months. He has applied for a suspension of this punishment. Another case was opened against him for insulting the military; results were still pending at year's end. The trial of 25 Diyarbakir lawyers charged in 1993 and 1994 for aiding and abetting the PKK, and in a few cases with membership in a terrorist organization, continued at the Diyarbakir SSC (see Section 4).

By law the Bar Association must provide free counsel to indigents who make a request to the court, except for crimes falling under the scope of the SSC's. In practice only a tiny percentage of defendants have lawyers. Bar Associations in large cities, such as Istanbul, have attorneys on call 24 hours a day. Costs are borne by the Association. Defense lawyers generally have access to the public prosecutor's files only after arraignment.

In law and in practice, the legal system does not discriminate against minorities. Legal proceedings are conducted solely in Turkish with some interpreting available; however, some defendants whose native language is not Turkish may be disadvantaged seriously. Turkey recognizes the jurisdiction of the ECHR. During the year, Turkey lost 23 cases to which it was a party, most of which pertained to free expression, deaths, past disappearances, and torture and was fined \$1.2 million (812 billion TL). In 11 additional cases, mostly relating to failure to ensure due process of law, Turkey accepted a friendly settlement and paid \$150,000 (about 1 billion TL); and the court dismissed a further five cases.

There is no reliable estimate of the number of political prisoners in the country. The Government claims that alleged political prisoners are in fact security detainees convicted of being members of, or assisting, terrorist organizations.

International humanitarian organizations are allowed access to political prisoners, provided the organization can obtain permission from the Ministry of Justice. With the exception of the Committee to Prevent Torture of the Council of Europe, which has good access, in practice few such permissions are granted.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication; however, at times the Government infringed on these rights. With some exceptions, government officials may enter a private residence or intercept or monitor private correspondence only after the issuance of a judicial warrant. These provisions generally are respected outside the state of emergency region. If delay may cause harm to the case, prosecutors may authorize a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large. Other exceptions include persons under special observation by the security directorate general, places anyone can enter at night, places

where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels. According to a 1999 law that permits wider wiretapping, a court order is needed to carry out a wiretap. However, in an emergency situation, a prosecutor can grant permission. The wiretap can last only 3 months, with two possible extensions of 3 months each.

In the provinces under emergency rule, the regional state of emergency governor empowers security authorities to search without a warrant residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association maintains that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. Seven provinces remain under "adjacent province" status, which authorizes the Jandarma to retain security responsibility for municipalities as well as rural areas, and grants the provincial governor several extraordinary powers. Due to the improved security situation, the use of roadblocks in the southeast decreased.

With the diminution of PKK terrorism, the formerly widespread practice of evacuating villages to prevent their giving aid to the PKK has lessened; however, there was a report of one village re-evacuation occurring in October (see Section 1.g.).

Some elements of society complain that a ban on the wearing of religious head coverings in government offices, other state-run facilities, and universities interfered with citizens' religious observance (see Sections 2.b. and 2.c.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since 1984 the PKK has waged a violent terrorist insurgency in southeast Turkey, directed against both security forces and civilians. In response, police, Jandarma, village guards, and the armed forces conducted an intense campaign to suppress PKK terrorism. However, since 1999 almost all such violent activity by the PKK has ceased, although some armed clashes between the two sides continued to occur. Security forces continued to target active PKK units as well as those persons they believed supported or sympathized with the PKK. There continued to be few reports of government and PKK human rights abuses committed against non-combatants. According to statistics from the governor of the state of emergency region, 23,415 PKK members, 5,029 security force members, and 4,460 civilians have lost their lives in the fighting since 1987. During the year, 29 members of the security forces and 15 civilians died, according to the military.

The Government's state of emergency, renewed in Diyarbakir, Hakkari, Sirmak, and Tunceli provinces for 4 months in November, imposes stringent security measures in those four southeastern provinces. The regional governor for the state of emergency may censor news, ban strikes or lockouts, and impose internal exile. The decree provides for doubling the sentences of those convicted of "cooperating with separatists." Informants and convicted persons who cooperate with the State may receive rewards and reduced sentences. Only limited judicial review of the state of emergency governor's administrative decisions is permitted.

In October the governor of Tunceli formally abolished the food embargo in that region, the last large-scale rationing in the region. Food rationing also had been justified as a means of denying logistical support to the PKK. Provincial authorities deny villagers access to some high pastures for grazing, citing security concerns, but have allowed other villages access to their high pastures.

Unlike in the previous year, there were no credible allegations of serious abuses by security forces during the course of operations against the PKK.

The Government organizes, arms, and pays a civil defense force in the region of more than 65,000 persons, which is known as the village guards. Participation in this paramilitary militia is mainly voluntary, but villagers faced danger from both the PKK and the Government when choosing whether or not to join the guard force. Village guards have a reputation for being the least disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contribute to this problem, and in some cases Jandarma allegedly have protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" are viewed as those most responsible for abuses. However, the incidence of credible allegations of serious abuses by security forces, in the course of operations against the PKK, is significantly lower than in the past.

There was a report of one village re-evacuation during the year (see Section 1.e). Five residents of Akcapinar hamlet said Jandarma burned 16 tents, one home, and crops there in early October. Residents had apparently returned to the hamlet in May after having received permission from local officials but without the requisite permission from higher levels within the Government. Between 1984 and 1999, and particularly in the early 1990's, a large number of persons were displaced forcibly from villages. The practice was justified by the Government as a means of protecting civilians or preventing PKK guerrillas from obtaining logistical support from

the inhabitants. Provincial authorities deny villagers access to some high pastures for grazing, citing security concerns, but have allowed other villages access to their high pastures. The Government reported that 378,000 persons had "migrated" (it disputes the term "evacuation") from 3,165 state of emergency region villages between 1994 and 1999; many left before that due to the fighting. The highest credible estimate of displaced persons is as high as 1 million. Voluntary and assisted re-settlements have begun in the region. In some cases, persons may return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned, but there is a noticeable increase in the pace of returns.

After the middle of the year, there appeared to be an upsurge in the rate of returns and return requests. About 10,000 persons returned to their villages between June and August, according to the state of emergency governor. In July he declared that 65,000 of the 131,000 return requests filed with his office were "appropriate." According to the Jandarma, over 28,000 persons returned to the OHAL region and adjacent provinces during the year. They state that there are an additional 238,900 applications for returns to 621 villages and 461 smaller hamlets, but only about a third of these claims are appropriate (mainly for security reasons) at this time. A July HADEP "migrant commission" report claimed HADEP had over 23,000 additional requests for returns, each petition representing a family. However, some persons included on return petitions may not have been aware that a request had been made for them. Furthermore, many evacuees have neither the will nor the economic means to return.

Despite the increased pace, returns to date represent a fraction of the number of persons who may wish to return. Governors continued to provide building materials to some returnees. Activists remain critical of government efforts to resettle villagers in government-constructed "central villages" instead of original village sites. Local Jandarma impose limitations on some resettlement efforts. According to news reports, in January Jandarma prevented the return of 15 families to a village in Sirkak province. The families claimed that the village guards who currently occupy their village had burned their homes and cut down their orchards.

The Government continues to deal with the problem of the hundreds of thousands of persons displaced from their villages and hamlets. According to the Government, its "East and Southeast Anatolia Action Plan" began in May. The Plan, as well as other government programs, has focused on providing assistance to displaced persons and support for return to villages or relocation to new, centralized villages. Over 4,000 persons now live in centralized villages. From June to October, financial and other assistance (including young trees, animals, beehives, and looms) was provided to over 14,000 persons in 96 villages and 87 hamlets.

Regional cities in the southeast have doubled and tripled in size in the past decade, without a commensurate increase in services such as schools. Many persons from the area went to major cities in the West of the country. A 1998 parliamentary committee investigation concluded that the State was partly responsible for the displacements and had failed to compensate adequately villagers who had lost their homes and lands in the region. However, regional officials report that flows of migrants nearly stopped during the year due to waning PKK activity in the countryside.

In contrast to the national average of 45 children per classroom, there are typically 60 to 90 children per classroom in eastern and southeastern provinces and as many as 80 to 100 in Diyarbakir (most schools in the southeast employ a shift schedule for classes to accommodate the large numbers). According to the Government, in the southeast there was a noticeable improvement in the number of students able to attend classes, partly due to improved availability of teachers and schools, and partly due to the requirement for an 8-year education. During the 1999 to 2000 school year, there were 270,000 students in secondary education in the southeast, compared to 240,000 the year before. In the state of emergency region, 450 schools are closed, although none were closed during the year. Although the Government has built boarding schools in the region's larger towns, these new schools have not met the demand. Although schools remained open in most urban centers in the southeast, rapid migration led to severe overcrowding of city schools and chronic teacher shortages. Despite a longstanding tradition of boarding schools in the rural areas of the country, some ethnic Kurdish leaders have expressed concern that the Government constructed boarding schools, rather than rebuild local schools, in order to accelerate the process of Kurdish assimilation. According to press reports, soldiers in one command of the state of emergency region repaired 167 village schools in preparation for the 2000 to 2001 academic year and during the past year spent about \$700,000 (300 million TL) on health, education, and infrastructure projects in the region.

During the year, Turkish ground forces with air support conducted several operations in northern Iraq against the PKK. The Kurdistan Democratic Party and the Patriotic Union of Kurdistan cooperated with the Turkish Government in shutting down certain PKK facilities in northern Iraq. Turkish government policy is to target only PKK fighters in northern Iraq; however, Turkish planes accidentally killed 38 civilians in Sedakan, northern Iraq, during an operation in August against the PKK. The Government is taking steps to compensate the victims' families. At the end of the year, an operation against the PKK involving hundreds of Turkish soldiers continued in northern Iraq, according to press reports.

In February Parliament renewed legislation allowing members of terrorist organizations (and criminal gangs) to apply for amnesty or reductions in sentences, if they provide useful information that helps lead to the dissolution of the organization. Government figures are not available for the number of persons who applied for the amnesty, but human rights attorneys speculate that the number is above 2,500. According to press reports, many applicants, including some who were members of Turkish Hizbullah, have obtained sentence reductions or release.

The PKK remained almost completely inactive during the year. There were reports of internal divisions over jailed PKK leader Ocalan's call for ending the armed struggle, but by year's end no rival faction appeared to have gained control of the group. Apparently on orders from the PKK leadership, several groups of 8 to 10 former militants turned themselves in to the authorities, asking for amnesty. They are all currently standing trial for charges relating to membership in the PKK. Although PKK attacks against civilians and law enforcement personnel in the south-east have virtually ended, the military did engage the PKK, killing several alleged terrorists. Government authorities acknowledge that the level of violent conflict is considerably lower than in the past and that the main reason is an absence of PKK activity and the fact that the security forces were able to effectively end Hizbullah operations.

Other terrorist organizations, most notably DHKP-C, conducted attacks mainly against police targets.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms. The Constitution leaves open the possibility of restrictions to these freedoms on the basis of defense of the secular, unitary, state and protection of public order. The Government, particularly the judiciary, limits freedom of expression through the use of restrictions in the 1982 Constitution and numerous laws such as the following: Article 8 of the 1991 Anti-Terror Law (disseminating separatist propaganda); Penal Code Articles 312 (incitement to racial, ethnic, or religious enmity); 159 (insulting Parliament, the army, republic, or judiciary); 160 (insulting the Turkish Republic); 169 (aiding an illegal organization); the Law to Protect Atatürk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials). While prosecutors bring dozens of such cases to court each year, judges dismiss many charges brought under these laws. These cases constitute a form of harassment against writers, journalists, and political figures.

Domestic and foreign periodicals that provide a broad spectrum of views and opinions, including intense criticism of the Government, are widely available. The newspaper business is extremely competitive. Government censorship of foreign periodicals is very rare.

Electronic media reach nearly every adult, and their influence, particularly that of television, is correspondingly great. According to the High Board of Radio and Television, there are 229 local, 15 regional, and 16 national officially registered television stations, and 1,036 local, 108 regional and 36 national radio stations. Other television and radio stations broadcast without an official license. The increasing availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. The State owns and operates the Turkish Radio and Television Corporation.

Internet use is growing and faces no government restrictions; in fact, some banned newspapers can be accessed freely on the Internet. Parliament passed legislation in September 1999 suspending for 3 years the sentences of those convicted of crimes in the media, such as journalists, writers, and party officials who published articles. The Islamist opposition party Fazilet challenged the constitutionality of the law because it did not apply to those who committed similar crimes through speech. In September the Constitutional Court ruled that this complaint had merit and ordered the Government to correct the problem. In mid-December, the Government passed the "Provisional Suspension of Sentence Law," which in addition to leading to the eventual release of thousands of ordinary criminals, may effect the

release, and suspension of trials, of many persons prosecuted on charges related to free expression. The suspension only applies to those whose "criminal act" took place before April 23, 1999.

Although hundreds of those prosecuted or convicted for free expression crimes had their sentences or trials suspended, some writers remain in jail. Esber Yagmurdereli, for example, remains imprisoned because his conviction in 1998 was for a speech, although his case may fall under the "Provisional Suspension of Sentence Law." The CPJ reported that 14 journalists were imprisoned at year's end, compared with 18 in 1999. According to the Ministry of Interior, 43 journalists were in jail in July, of whom 26 had been convicted and the rest were still standing trial. The Chairman of the Press Council said, after studying the list, that his organization considered only four of these to be "imprisoned for their journalistic practices." Other journalist associations note that some who are imprisoned for crimes in the media are political activists with only tenuous journalistic credentials.

Under the suspension law, charges are dropped if the journalist or writer does not commit the same crime again during the 3-year period; if a second offense is committed during this time, the suspension is revoked. Human rights advocates, journalists, and other writers consider that the conditions for the suspension amount to censorship.

The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish. The High Board of Radio and Television (RTUK), created in 1994 to regulate private television and radio frequencies, monitors broadcasters and sanctions them if they are not in compliance with relevant laws. Parliament elects the RTUK members (divided between ruling and opposition parties) and provides its budget. Although nominally independent, the RTUK is subject to some political pressures. In December RTUK banned broadcasts of Ozgur Radio for 180 days, claiming that the station had slandered Turkish Cypriot leader Rauf Denktash in a July broadcast.

The RTUK penalizes private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. Throughout the year, the RTUK penalized radio and television stations over 210 times for noncompliance with broadcast regulations, according to testimony given by the RTUK chairman to a Parliamentary committee in November. In general RTUK suspended television broadcasts for a day, and radio broadcasts for longer terms such as 3 to 6 months, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." The human rights monitoring group Mazlum-DER recorded closures of 26 television stations for a total of 208 closure days, and closures of 24 radio stations for a total of 3,725 days, while the Government provided RTUK closure figures of 62 television stations closed for 704 days, and 67 radio stations closed for 3,889 days.

RTUK decisions may be appealed to the provincial administrative court and then to the Council of State (Danistay). In some cases, this is successful. In February the RTUK gave a 1-day closure punishment to CNN TURK, in response to a January broadcast in which a commentator asked a program guest if PKK leader Ocalan could be compared with former South African President Mandela. According to the RTUK, the broadcast "threatened the existence and unity of the Turkish state" and "encouraged separatism." CNN TURK appealed the decision and won. Another RTUK closure order, against Channel 6 for its criticism of the Government's response to the August 1999 earthquake, was also overturned by the Danistay.

Despite the Government's restrictions, the media criticize government leaders and policies daily and have developed a more adversarial role vis-a-vis the Government. Lively debates on human rights and government policies continued, especially on issues relating to Turkey's EU membership process; the role of the military; political Islam; and the question of ethnic Kurds as "minorities." Nevertheless, persons who write or speak out on such highly sensitive topics risk prosecution.

Government decree 430 gives the Interior Ministry, upon the request of the state of emergency regional governor, the authority to ban distribution of any news viewed as misrepresenting events in the region. In the event that a government warning is not obeyed, the decree provides for a 10day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, lead to self-censorship on some issues.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and banned several books on a range of topics. Prosecutors closed numerous journals or suspended their operations during the year. The police frequently raid offices of small leftist publications, while distributors of the pro-Kurdish journals Evrensel and Yeni Gundem outside the state of

emergency region claim regular harassment and the confiscation of their newspapers by the police.

Journalists, including those from mainstream and western media, were harassed periodically and subjected to police abuse while covering stories. Two Swedish journalists were arrested, and their film confiscated, while visiting a small town near Diyarbakir in April. Their film was returned and they were released after the Swedish Government protested.

The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints.

In April a group of 24 intellectuals sought to challenge legal restrictions on expression by republishing the formally banned book "Freedom of Thought" under the new title "Freedom of Thought—2000." The group, which consists of well-known human rights activists, actors, journalists, and academicians, notified officials at the Istanbul SSC of their actions. The court indicted the group in May, demanding sentences ranging from 7 to 15 years' imprisonment for 16 persons on various charges, including supporting a terrorist organization and inciting hatred and enmity. The case was ongoing at year's end. In December musician and human rights activist Sanar Yurdatapan and Nevzat Onaran, Chairman of the Contemporary Lawyer's Association's Istanbul branch, each served 24-day sentences given by a military court in connection with the publication of a previous "Freedom of Thought" pamphlet.

Nadire Mater was acquitted in September of charges that she "insulted the military" with her publication, "Mehmet's Book." Copies of the book were seized in 1999 on order of the Istanbul SSC, and Mater and her publisher were charged under Article 159 of the Penal Code, with a possible prison sentence of 2 to 12 years. Since part of the acquittal was based on the Suspension of Sentences Law for the book's early editions, she faces a 3-year "probation" period, and if she commits the same crime she theoretically would face a resumption of her trial. The prosecutor appealed the acquittal, and the ban on the book continues. "Mehmet's Book" is a compilation of interviews with retired conscripts who had served in the southeast. The book records without commentary the soldiers' experiences in the field. These rank-and-file stories allege corruption, drug abuse, and dishonest handling of the press. As many as 40,000 to 50,000 copies have been sold, and although the book remains banned it is available in some bookstores.

The Istanbul SSC brought charges of "supporting separatist and terrorist propaganda" against the distributors of the CD-Rom version of National Geographic magazine's full collection in late 1999. The collection included a 1992 article on Kurds that showed a map of the region most populated most heavily by Kurds; the article was published and circulated in Turkey. In February the court suspended the case in line with the "suspension of sentences" law, because the publication date was before April 1999.

In March Islamist former Prime Minister Necmettin Erbakan was convicted under the Penal Code (Article 312) of "promoting enmity" along religious lines, for a speech he had made in 1994 in which he referred to parliamentarians as "infidels." He was sentenced to 1 year's imprisonment, but his punishment was suspended under the "probationary suspension of sentences law" passed in December. Human rights groups and some politicians criticized the verdict as undemocratic, but the judiciary and many mainstream politicians defended it. Also in March, the chairman of the Islamic business-oriented association Musiad was sentenced to 1 year's imprisonment under the same law, for a 1999 statement in which he referred to "believers and nonbelievers." His sentence was suspended.

Abdurrahman Dilipak, a veteran columnist with the Islamist daily *Akit*, faced multiple charges during the year for articles criticizing the Government's policy, especially on religious head coverings and the alleged activities of a military group that reportedly monitors political Islam. He was convicted in January by the Malatya SSC and sentenced to 1 year's imprisonment related to a 1998 conference in Malatya. Appeals continued at year's end.

Former chairman of the HRA Akin Birdal reentered prison in March after a 6-month release on medical grounds. He was released on September 23 after serving a total of over 9 months' imprisonment on charges related to free speech (see Section 4).

Hasan Guzel, head of the small Rebirth Party and an outspoken former Education Minister under the pro-Islamist Refah Party government, was released from jail in May after serving 5 months of a 1-year sentence for "inciting religious and ethnic enmity," based on a controversial 1997 speech. In January he was convicted on the same charge in a different case relating to a 1998 speech.

Poet Yilmaz Odabasi entered prison in March to serve a 7-month sentence for contempt of court, for having said that he was "ashamed to live in the same age and

country” as the court that convicted him in 1997 for “disseminating separatist propaganda” with his book “Dream and Life.” He was released in June.

Cases may be continuing against Dogu Perincek, chairman of the Workers’ Party, for convictions concerning a 1994 speech delivered at the HRA general convention and slandering former Prime Minister Tansu Ciller. In September Perincek was acquitted on charges of assisting the PKK and possessing secret state documents.

The trial of Dr. Veli Lok, president of the HRF’s Izmir branch, for violation of the press law, ended in June. Dr. Lok, Bahri Akkan (spokesman for the Izmir Democracy Platform), and Fikret Ilkiz (an editor at Cumhuriyet newspaper) were convicted on the basis of an article published in October 1999 in Cumhuriyet, in which Lok and Akkan were quoted regarding a trial involving other HRF members. Publicly commenting on an ongoing court case is forbidden under the Press Law. The Ministry of Justice sent a letter to the Izmir prosecutor in November 1999, asking him to review the Cumhuriyet article and determine if a crime had been committed. The indictment followed shortly. Lok and Akkan were sentenced to pay a fine of about \$200 (120 million TL); Ilkiz is to pay about \$210 (124 million TL). Lok’s sentence was suspended for 5 years, and he has appealed.

In October a Syriac priest was charged under Article 312 for “inciting religious, racial and sectarian hatred” for comments he made to the media about legislation under consideration at that time by the U.S. Congress that referred to Armenian genocide. The trial of the priest, who spoke in favor of the legislation, began in December. He spent one night under arrest but otherwise has been free to continue his pastoral duties.

In April the pro-Kurdish daily Ozgur Bakis ceased publication, blaming government pressure (including closure orders, fines, investigations of 124 out of 370 editions, and court cases against editors). In its place Yeni Gundem newspaper began publication in May and was banned in the emergency region a week later. Also in April, the state of emergency governor banned four magazines (Ozgur Halk, Yasamda Genclik, Ozgur Kadinin Sesi, and Rewsen) from the emergency region. In May the governor banned distribution of four newspapers and eight journals, including Evrensel Kurdish-language weekly Azadiya Welate (which had been banned previously). However, these publications can be accessed in the emergency region on the Internet. Throughout the country some potential customers are afraid to purchase Kurdish-language materials because the possession of such items may be interpreted as evidence of PKK sympathies.

Kurdish-language cassettes and publications are available commercially, although the periodic banning of particular cassettes or singers continued, especially in the state of emergency region. Kurdish-language broadcasts of news, commentary, or discussion are illegal throughout the country. One radio station broadcasts in Kurdish but is widely believed to be government-sponsored. Kurdish music is played on radio and television programs with certain restrictions, especially in the emergency zone and adjacent provinces. The state of emergency regional governor frequently bans from the region Kurdish recordings that may be played legally elsewhere in the country. In August he issued an order banning the sale of 242 music recordings, most in Kurdish. Stations that play Kurdish songs not on the limited play list risk temporary bans or closure. Radio stations that mix small amounts of Kurdish songs into their predominantly Turkish broadcasting appear to face fewer problems.

Pro-PKK Medya-TV, which is banned, broadcasts in Kurdish from Europe and nevertheless can be received via satellite dish. Another station, Kurdistan-TV, based in northern Iraq, can be received via satellite, and is not banned. The ECHR ruled against Turkey on some cases of free expression, such as the conviction of a newspaper editor for “disseminating separatist propaganda” in 1993.

The Mesopotamian Cultural Center (MKM), an NGO that seeks to promote Kurdish language and culture, continues to operate. Some officials alleged that the organization is linked to the PKK. The group’s centers in the southeast remain closed. Police exert pressure against the groups and hinder their activities, and local officials monitor and often interrupt their cultural events. Some MKM branches report that they were prevented from selling Kurdish-language music cassettes and were warned against organizing cultural events. On December 30, however, for the first time the Governor of Hakkari province in the southeast allowed a Kurdish-language music concert, organized by an MKM-sponsored band. Five thousand persons attended the concert.

The Kurdish culture and research foundation (Kurt-Kav) remained open and continued some activities, including Kurdish language training and a study of Kurdish oral tradition. In February Kurt-Kav was acquitted of charges alleging promotion of separatism for its sponsorship of scholarships for 30 Kurdish-speaking students. A second case on the same charges, based on cooperation with a Swedish university

to promote study of the Kurdish language, still was pending in the courts at year's end.

Academic freedom generally is respected; however, there is believed to be some self-censorship on sensitive topics.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government often restricted this right in practice. The authorities may deny permission if they believe that a gathering is likely to disrupt public order. Significant prior notification of gatherings is required, and the authorities may restrict meetings to designated sites.

The police beat, abused, detained and harassed some demonstrators, but showed restraint in other instances. The police appeared to be acceding to a November 1999 Security Administration directive that called for the use of minimum force in dispersing demonstrations. In February, following the arrests of three HADEP mayors in the southeast (see Section 3), supporters of the mayors held large, peaceful protests in Diyarbakir's center. Police allowed the demonstrations to continue even though they were not approved, and there was no violence. Police detained several dozen demonstrators during the 3-day protest period.

In contrast to the previous year, the March 21 Kurdish Nevruz ("New Year") celebrations were marked by calm and respectful behavior among participants and security forces. According to press reports and initial contacts with activists in the southeast, the police detained several hundred unauthorized demonstrators in Mersin, Sanliurfa, Siirt, and Adana, but there were reportedly no arrests nor excessive use of force (as there had been in the previous year). The authorities for the first time granted permission for a major celebration a few miles outside of Diyarbakir. The gathering of more than 80,000 persons was peaceful, with no detentions, and police treated the crowd well, according to a Kurdish activist. Istanbul municipal authorities denied permission for a celebration there because the organizers referred to "Newroz," on the grounds that since there is no letter "w" in Turkish, this was a Kurdish spelling.

On World Peace Day, September 1, the authorities denied permission for peace demonstrations in Diyarbakir, Izmir, Ankara, Mersin, and Antalya. In Diyarbakir the police reportedly broke up a gathering, detaining 30 participants and injuring 10. In Van the police detained 27 persons, including the HADEP provincial chairman. In Mus the police reportedly detained, beat, and tortured the former district president of HADEP. In Tunceli a group of 200 persons was allowed to demonstrate, and in other cities events took place peacefully.

In October police disrupted a professional conference in Izmir of the Turkish Medical Association (TMA) on the grounds that the meeting, which was to have discussed the issue of prison health, was illegal. International observers present for the conference noted that police officers demanded to videotape all of the proceedings. The TMA cancelled the conference.

Police have detained and, on occasion, mistreated members of groups that protested prison conditions, the Ulucanlar prison incident in September 1999 (see Section 1.c.), and the installation of "F-type" small cells to replace the current ward system. In June the police broke up an anti-prison rally and detained 20 participants, including the chair of the Istanbul branch of the HRA, Erin Keskin; when critics started to protest those detentions, the police broke up that second rally and detained another 30 persons. However, in early August the Minister of Justice spoke to demonstrators in front of his Ministry and invited some of them to visit a new F-type prison, which they did the following day. In August an association of families of political prisoners left Istanbul for Ankara by bus to protest F-type prisons and warn against the potential of hunger strikes and violence in jails (see Section 1.c.). The group alleges that it was stopped while en route several times by police and Jandarma, and that some parents were beaten with clubs and had to be hospitalized. Hundreds of protesters were temporarily detained during the period of hunger strikes in the prisons in November and police intervention in December.

In December, following a terrorist attack on a police bus that killed two anti-riot police, thousands of fellow officers staged protest marches in all of the country's major cities. The marches occurred over several days, despite efforts by senior police officials to bring them under control. Several hundred police officers have been charged with disobeying orders and marching without a permit; they faced disciplinary and judicial proceedings at year's end.

Dr. Alp Ayan, a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center; Gunseli Kaya, who also works at the Center; and 66 others face charges of "holding an unauthorized demonstration" for participating in the funeral procession in October 1999 of one of the prisoners killed in the September 1999 Ulucanlar incident. Ayan, Kaya, and 12 others were held in detention for 3 months before being released at the start of their trial in January. The trial continued at year's end.

Six school children, between the ages of 12 and 14 years, were acquitted in March of charges of holding an "unauthorized demonstration" in 1998. The children had held a sign that said "We Want Teachers" during a rally after no teachers came to school that day and previous days.

The Constitution provides for freedom of association; however, associations and foundations must submit their charters for government approval, which is a lengthy and cumbersome process.

c. Freedom of Religion.—The Constitution establishes Turkey as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas, and the Government generally observed these provisions in practice; however, it imposed some restrictions on religious minorities and on religious expression in government offices and state-run institutions, including universities.

The Government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet). The Diyanet, which some groups claim reflects the beliefs of the Sunni Islamist mainstream to the exclusion of Alevi adherents, regulates the operation of the country's more than 70,000 mosques. Local and provincial imams, who are civil servants, are employed by the Diyanet. The Government states that the Diyanet treats equally all that request services. During the year, partly in commemoration of the Christian jubilee, the Diyanet sponsored several ecumenical events among major religious groups, including a meeting in Tarsus in May, which produced a document that called for intercommunal understanding.

A separate government agency, the Office of Foundations (Vakiflar Genel Mudurlugu), regulates some activities of religious minorities, including those established under the Lausanne Treaty in 1923 (Greek Orthodox, Armenian Orthodox, and Jewish), and their affiliated churches, monasteries, and religious schools. The Vakiflar, which dates back to the Ottoman Empire, must approve the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages. The Vakiflar oversees 160 minority religious foundations, including Greek Orthodox (about 70 sites); Armenian Orthodox (about 50); and Jewish (20); as well as Syrian Christians, Chaldeans, Bulgarian Orthodox, Georgians, and Maronis.

In May a court allowed a Protestant church in Istanbul to establish itself as a "foundation." Normally all "religious" foundations need to have been in existence since the early days of the republic in order to be deemed as such.

The population is about 99 percent Muslim, primarily Sunni. In addition to the country's Sunni majority, an estimated 12 million Alawis (an offshoot of Shi'a Islam) freely practice their faith and build "Cem houses" (Alawi places of worship). Some Alawis allege discrimination in the form of failure to include any Alawi doctrines or beliefs in religious instruction classes. Alawis also charge that there is a Sunni bias in the Religious Affairs Directorate and claim that the Directorate tends to view the Alawis as a cultural rather than a religious group. However, some Sunni Islamic political activists charge that the secular State favors and is under the influence of the Alawis. The Government periodically allocates funds to the Alawi community and funds Sunni activities.

There are several non-Muslim religious minority groups; most are concentrated in Istanbul and other large cities. These include an estimated 50,000 Armenian Orthodox Christians, 25,000 Jews, and roughly 3,000 Greek Orthodox adherents. There are approximately 3,000 Protestants; 10,000 Baha'is; an estimated 15,000 Syrian Orthodox (Syriac) Christians; and a small, undetermined number of Bulgarian, Chaldean, Nestorian, Georgian, and Maronite Christians. The number of Christians in the southeast has declined as the younger generation, especially among Syriacs, leaves the area to live in Istanbul, Europe, or North America. In December President Sezer issued a message to Turkey's minority religious groups on the occasion of Christmas and Hanukah.

The military and judiciary, with support from other members of the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 3). The National Security Council (NSC)—a powerful military/civilian body established by the Constitution to advise senior leadership on national security matters—categorizes fundamentalism as a primary threat to public safety and order. The armed forces regularly dismiss individuals whose official files reflect participation in Islamist fundamentalist activities. In October the military dismissed 44 officers suspected of sympathizing with Islamic groups or Kurdish rebels. At a meeting in March, the NSC discussed a report that claimed that fundamentalist Islamic elements had increased their activities in a number of areas, including infiltrating government ministries. However, the same NSC report noted that legislative measures have been taken on only 5 points of the February 1997 18-point program against

fundamentalism. In August President Sezer twice refused to sign a “decree with force of law” that would have streamlined the procedures for firing civil servants suspected of fundamentalist or separatist tendencies, explaining that such a measure should be reviewed by Parliament.

In a widely publicized August 30 “victory day” statement, armed forces Chief of Staff General Huseyin Kivrikoglu issued a strong message to the Government to take action against Islamic fundamentalism. In a reference to the civil servants decree turned back twice by President Sezer, Kivrikoglu said that the Government and the Parliament should take immediate action to address the problem of “thousands” of civil servants whose fundamentalist views were threatening the secular state. He noted that the military had an effective means of getting rid of suspected fundamentalists or separatists from its ranks and that the civil service should adopt similar measures. Kivrikoglu alleged that the leader of a moderate Islamic Tarikat, Fetullah Gulen, plans to undermine the state and said that 11 of the 44 officers recently dismissed by the military for fundamentalist proclivities were Gulen supporters. Kivrikoglu claimed that Gulen supporters had infiltrated the judiciary as well, a charge denied by the Minister of Justice.

Tarikats and other mystical Sunni Islamic, quasi-religious, and social orders were banned in the 1920’s but largely were tolerated until the 1997 call by the National Security Council for strict enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism. However, prominent political and social leaders remain associated with Tarikats.

In March Islamist former Prime Minister Necmettin Erbakan was convicted under the Penal Code (Article 312) of “promoting enmity” along religious lines, for a 1994 speech in which he referred to Parliamentarians as “infidels.” He was sentenced in March to 1 year’s imprisonment (see Section 2.a). Also in March, the chairman of the Islamic business-oriented association Musiad was sentenced to 1 year’s imprisonment under the same law, for a 1999 statement in which he referred to “believers and nonbelievers.” His sentence was suspended. The Istanbul SSC ordered the confiscation of the June 28 issue of the reportedly anti-Semitic newspaper Akit and the June 23–29 edition of its related weekly publication Cuma for “inciting religious hatred,” for its treatment of the death of a prominent military official known for his secular views. Akit had reported in its coverage that it “did not forgive” the official for his actions against imam-Hatip schools, Koran courses, and students who wear headscarves.

Religious and moral instruction in state primary and secondary schools is compulsory for Muslims. Students who complete primary school may study the Koran in government-sponsored schools. The Government does not permit private Koran courses.

Upon written verification of their non-Muslim background, minorities considered by the Government to be covered by the 1923 Lausanne Treaty (Greek Orthodox, Armenian Orthodox, and Jewish) are exempted by law from Muslim religious instruction. They may hold their own classes or if they want to attend Muslim courses, may do so with parental consent. Syriac and other Christians whom the Government does not consider to be an official Lausanne Treaty minority are not exempted. In August the Syriac community reiterated a 1995 appeal to the Government to be considered a Lausanne Treaty minority.

Government authorities do not interfere in matters of doctrine pertaining to minority religions, nor do they restrict the publication or use of religious literature. While the Government does not recognize the ecumenical nature of the Greek Orthodox Patriarch, it acknowledges him as head of the Turkish Greek Orthodox community and does not interfere with his travels or other ecumenical activities.

The authorities monitor the activities of eastern Orthodox churches and their affiliated operations. The Ecumenical Patriarchate in Istanbul consistently has expressed interest in reopening the seminary on the Island on Halki in the Sea of Marmara. The seminary has been closed since 1971 when the State nationalized most private institutions of higher learning. Under current restrictions, including a citizenship requirement, religious communities remain unable to train new clergy. However, coreligionists from outside the country have been permitted to assume leadership positions.

By law religious services may take place only in designated places of worship, although non-Muslim religious services often take place in nondesignated places of worship. However, police disrupted several Christian religious gatherings on the grounds that they were being held in unauthorized locations. On May 24 in Istanbul, several persons (including non-Turks) were detained overnight following a police raid on a private apartment where a group was holding Protestant services. Most of the participants were released the next day and charges were dropped; two Turks were held for several days before being released. Currently the attendees face

charges for unauthorized meetings and unauthorized establishment of an education center.

Minority foundations, including those of religions recognized under the Lausanne Treaty, may not acquire property for any purpose, although they can lose it. If a community does not use its property because of a decline in the size of its congregation over 10 years, the Vakıflar takes over direct administration and ownership. There have been no reports of minority religions losing their houses of worship or other facilities during the year. If such minorities can demonstrate a renewed community need, they may apply legally to recover their properties. Bureaucratic procedures and considerations relating to historic preservation at times have impeded repairs to existing religious facilities. Restoration or construction may be carried out in buildings and monuments considered "ancient" only with authorization of the regional board on the protection of cultural and national wealth. Syriac Christians have been allowed to renovate their historic buildings in Mardin, although their efforts remain closely monitored by the authorities. In May Syriac Christians gathered in Elazığ to celebrate the completed restoration of a 1,800-year-old church.

The Baha'i community currently is fighting a legal battle against government expropriation of a sacred Baha'i site near Edirne. The site was granted cultural heritage status in 1993 by Edirne's board of natural and cultural riches, a branch of the Ministry of Culture. However, in January the Ministry of Education notified the Baha'i community that the property had been expropriated for future use by the adjacent primary school. The Ministry has deposited funds in the Baha'i community's bank account for the expropriated property. In April the local administration court in Edirne rescinded its temporary stay of execution and allowed the Ministry of Education to implement expropriation, although it has not done so. The Baha'i appeal of the expropriation continued at year's end.

There are legal restrictions against insulting any religion recognized by the State, interfering with that religion's services, or debasing its property.

No law explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally are subject to government restrictions or harassment. There are no known estimates of the number and religious affiliation of foreign missionaries in the country. Many prosecutors regard proselytizing and religious activism on the part of evangelical Christians, and particularly Islamists, with suspicion, especially when such activities are deemed to have political overtones. The police sometimes arrest proselytizers for disturbing the peace; courts usually dismiss such charges. If the proselytizers are foreigners, they may be deported, but generally they are able to reenter the country easily. In a case in March, two Turkish Christians were detained for a month on the charge of "insulting Islam" by distributing Bibles; they were released in May at their first hearing when witnesses refused to stand by their signed statements. Their trial continued in one of four jurisdictions where cases were opened.

The Government continued to enforce a more than 50-year-old ban on the wearing of religious head coverings at universities or by civil servants in public buildings. Some women who wear head coverings, and both men and women who actively have shown support for those who defy the ban, have lost their jobs in the public sector as nurses and teachers; some others were not allowed to register as university students. The Council of State (Danıştay) ruled in a 1999 case that universities are public institutions and, as such, have an obligation to protect the country's basic principles, including secularism. In making its ruling, the Danıştay referred to its understanding of a ruling by the ECHR in favor of Turkey, which noted that students had to abide by university dress codes, and that the wearing of a headscarf could be construed as pressure on other students. According to Mazlum-DER, during the year 127 teachers lost their jobs for wearing head coverings and there were dozens of smallscale protests this school year against the headscarf ban.

Merve Kavakcı, elected an M.P. in April 1999 from the Islamist Fazilet (Virtue) Party, unsuccessfully sought in May 1999 to be sworn in to Parliament wearing an Islamist-style head covering. Kavakcı's case highlighted the ongoing dispute over the ban on wearing religious-style clothing in official settings. She later was stripped of Turkish citizenship on the grounds that she had assumed another country's citizenship without notifying proper authorities and lost her parliamentary privileges. She appealed the verdict on her citizenship, and in February the highest administrative court upheld the lower court's ruling. The issue of headscarves in Parliament, in terms of legislation that would give a final definition to the parliamentary dress code, remained unresolved.

The case to close the Islamist Fazilet Party, which was filed in May 1999, was still pending at the Constitutional Court at year's end (see Section 3). Although religious affiliation is listed on national identity cards, there is no official discrimination.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally enjoy freedom of movement domestically and the freedom to travel abroad; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave may be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. As the security situation continued to improve in the southeast, security officials decreased use of roadblocks and vehicle and passenger searches.

Although there is no legal internal exile, since 1990 the state of emergency region's governor in the southeast has had the authority to "remove from the region," for a period not to exceed the duration of the state of emergency (in place for 15 years), citizens under his administration whose activities "give an impression that they are prone to disturb general security and public order." Teachers, party officials, and trade unionists have been affected by this provision in the past, and dozens of unionists were kept out of the southeast this year, according to press reports. In July security officials in Batman took the passports of two visiting British parliamentarians who were looking into the issue of the Ilisu dam, and also took documents of a Republican People's Party (CHP) official and some accompanying journalists.

When Turkey ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, which have the force of domestic law, it exercised the option of accepting the Convention's obligations only with respect to refugees from Europe. Although it has not lifted subsequently the geographic limit of its treaty obligation, since 1994 the Government has granted temporary asylum to all those recognized as refugees. Asylum-seekers apply to the Government for temporary protection and to the U.N. High Commissioner for Refugees (UNHCR) for resettlement. If both procedures recognize the asylum-seeker as a refugee, UNHCR proceeds with resettlement and submits the case to other countries. European refugees are given temporary residence permits by the Government, renewable until they achieve resettlement or a durable solution.

Furthermore, the UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued a deportation order that may be implemented after 15 days. According to the UNHCR, there were 5,681 asylum seekers during the year; out of these cases and some from previous years, UNHCR rejected the asylum applications of 4,471 and accepted 2,709.

A regulation obliges asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as an asylum-seeker. The time limit for registration in the Government's asylum program is implemented strictly and remains an obstacle to the full access of asylum seekers to refugee status determination procedures. During the year, 25 refugees and asylum-seekers were returned to a country where they feared persecution, compared with 46 in 1999 and continuing a steady decline since 1995, according to the UNHCR. The obstacles inherent in the Government's asylum procedures lead to many refugees being considered as "illegals." This year the UNHCR considered that there were approximately 100 refugees not registered with the Government. The UNHCR and government authorities continue to work to resolve this problem and to find ways to allow greater access of all asylum seekers to this procedure.

If they comply with the asylum regulation's requirements, asylum seekers are registered by the Government and processed for eligibility determination. Late in the year, the Council of State confirmed administrative court rulings since 1997 that concluded that failure to submit an asylum claim within a fixed time limit could not be a reason not to address the application or grant asylum. The UNHCR has no information on discrimination by the Government on the basis of nationality. The UNHCR maintains a branch office in Ankara and field presences in Istanbul, Silopi, Van, and Agri.

The mass influx in 1999 of 18,000 Kosovars fell under the 1994 asylum regulation. The Government allowed Kosovars to enter the country freely and de facto allowed them "first asylum"—to stay until they repatriate or resettle voluntarily. An estimated 2,000 persons from Bosnia-Herzegovina and several hundred from Kosovo were granted a special temporary "guest" status; 42 Kosovars and 74 Bosnians still reside in former refugee camps. Because there are no visa requirements, thousands of Iranians remain in the country for extended periods. The Government generally does not allow similar mass influxes from Iraq but allows some individuals and families to settle in or transit the country en route to permanent resettlement.

Cooperation between the UNHCR and the Government has continued since 1998 in the field of training border guards and other government officials responsible for

asylum-seekers and refugees. During the year, approximately 150 officials received UNHCR-sponsored training in Bursa, Izmir, Antalya, Ankara, and Van. The training is very successful and has led to increased contact between UNHCR and local, military, and judicial authorities. The UNHCR works with local partners including the Turkish Red Crescent Society, the Association for Solidarity with Asylum Seekers and Migrants, and the Anatolian Development Foundation to integrate refugees into society.

The country continues to be a transit and departure point for illegal migrants and asylum seekers of various nationalities en route to Europe, who travel in small groups utilizing land routes, boats, and ships.

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. Turkey has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. More than 30 political parties are active (most of them minuscule), 5 of which are represented in Parliament. Parliament elects the President as Head of State every 7 years or when the incumbent becomes incapacitated or dies.

In addition to these bodies, in accordance with the Constitution, the NSC, which includes both military and civilian government leaders and is chaired by the President, plays a significant role in shaping government policy.

The Government neither coerces nor forbids membership in any political organization; however, the chief public prosecutor may bring cases seeking the closure of political parties before the Constitutional Court, which may close them down for unconstitutional activities. The chief public prosecutor opened cases in 1999 to close two significant parties, Fazilet and HADEP, alleging that they were centers of illegal activities. These cases were unresolved at year's end.

Government pressure against HADEP continued, based on the Government's belief that many HADEP supporters had ties to the PKK or supported their agenda. Throughout the year, the police raided dozens of HADEP offices, especially in the state of emergency region, and detained provincial officials and elected HADEP mayors. For example, in September the chair of HADEP'S Sirtak branch and a dozen other executives were arrested, and police raided HADEP offices in Istanbul, Diyarbakir, Adana, Mersin, and Van. In June HADEP secretary general Ahmet Turan Demir was convicted under Article Eight of the Anti-Terror Law for "separatism," for a speech he gave in October 1999; in November Demir was sentenced to 1-year's imprisonment and a fine of \$1,168 (800 million TL), and in November he was convicted of "making separatist propaganda" in a 1998 speech and given another 1-year sentence, reduced to 10 months. He has not yet gone to jail for either conviction. During the year, the Government brought 10 cases against HADEP mayors, most for charges of "separatist propaganda." A case against Cihan Sincar, Mayor of Kiziltepe, on the grounds that she had referred to "Kurdistan" in an interview with a Swedish newspaper, ended with her acquittal in November. In December the Ankara SSC opened an investigation against HADEP on the grounds that its November party congress had extended support for the PKK.

In February Jandarma arrested the HADEP mayors of Diyarbakir, Siirt, and Bingol, mostly based on testimony by the deputy mayor of Diyarbakir who allegedly was tortured while in police custody (see Sections 1.c., 2.b., and 4). The mayors were charged under Article 169 of the Penal Code with supporting an illegal organization (the PKK) through fundraising activities in Europe and Turkey. The mayors were held for 3 days, and the Interior Ministry removed them from office but reinstated them after peaceful public protests began. The mayors remained free and in office at year's end, pending the outcome of their trial, which began in April. They were allowed to travel outside the country, although some HADEP officials have been barred for years from international travel. In September another aide to the Diyarbakir mayor was arrested by the anti-terror police on charges of links to the PKK.

The military and judiciary, with support from some other members of the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic (see Section 2.c.).

In August Islamist leader Fetullah Gulen was indicted for "separatism" and "forming a criminal gang;" however, an Istanbul court annulled this indictment on appeal. Two weeks later Ankara SSC Prosecutor Nuh Mete Yuksel brought another indictment of trying to "change the characteristics of the republic as specified in the Constitution." Yuksel is seeking the maximum 10-year sentence against Gulen

under the Anti-Terrorism Law and alleges that Gulen was trying to “infiltrate” the military.

The trial continued in Ankara of a group of 33 Islamist politicians and business figures who had formed a group called the National View Organization. The group, many of whom were members of the banned Refah Party, were charged in 1999 with attempting to impose a “religious order” in contravention of Article 146.1 of the Penal Code (forcibly trying to change the constitutional order); some of the defendants face the death penalty. The case continued at year’s end.

The Democratic Mass Party (DKP), which the Government closed in February 1999, had not yet had its closure decision published. Party members cannot legally form or join another party until the closure decision is officially published.

Reports continued of corruption and the abuse of power in the security forces, including ties with illegal organizations. The Government mounted 21 operations in the final 3 months of the year into corruption in banking, exports/imports, rural affairs, drugs, and other areas, leading to hundreds of detentions and over 100 arrests. In June parliamentary committees cleared former Prime Ministers Yilmaz and Ciller of a range of corruption charges relating to their activities while in office. Some trials linked to corruption charges, involving former Interior Minister Mehmet Agar and M.P. Sedat Bucak, began in 1998 but were halted in April 1999 when both were elected to the new Parliament and gained automatic legal immunity (which had been lifted by the previous Parliament). During the year some M.P.’s proposed in Parliament that their immunity be lifted. In June Parliament also voted to clear Agar of charges of “establishing a criminal gang” relating to the 1996 Susurluk scandal. In September an alleged 1998 memorandum from senior military sources was made public by the media and human rights groups. The memo details a plan of discrediting government critics, including HADEP and Fazilet parties, the HRA, and specific politicians and journalists. In some cases, actions occurred that were similar to the memo’s recommendations.

In February a former Batman provincial governor admitted that during his 1993 to 1997 term, his office acquired weapons worth \$2.6 million (1.5 trillion TL) to equip extraordinary units fighting the PKK. He said that most were given to the Jandarma and some to the police; some allegedly were given to village guards as well. The then-Prime Minister agreed to fund the purchase in order to “protect the State,” she explained, although the Ministry of Interior had not agreed. The foreignmade weapons entered the country without clearing customs. The extralegal aspects of the transaction fueled speculation that some weapons may have disappeared. There was no parliamentary investigation following the revelations. In December, however, a case was opened against four officials from the Foreign Trade Undersecretariat’s General Directorate of Imports for “allowing illegal importation of weapons by the Batman governate.” The defendants face sentences of between 1 and 4 years.

There are no legal restrictions on political activity by women, the Constitution calls for equal political rights for men and women, and many women are active politically; however, women are underrepresented seriously in government and politics. There are only 22 women in the 550-seat Parliament, there are no female ministers in Prime Minister Ecevit’s 35-member Cabinet, and there are no female governors. However, one of the five major political parties is headed by a woman.

There are no legal restrictions on political activity by minorities; however, some minorities are underrepresented in government and politics.

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

Nongovernmental organizations operate in many regions but face government obstruction and restrictive laws regarding their operations, especially in the four provinces that comprise the state of emergency region. The Associations Law governing the activities of most NGO’s (some fall under the Law of Foundations, and others incorporate themselves as businesses) has restrictive provisions regarding membership, fundraising, and scope of activities.

The nongovernmental HRA has branches nationwide and claims a membership of about 20,000 persons. In 1990 the HRA established the HRF, which operates torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and serves as a clearinghouse for human rights information. Other domestic NGO’s include the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Doctor’s Association, human rights centers at a number of universities, and Mazlum-DER, which is the Organization of Human Rights and Solidarity for Oppressed Peoples. Human rights organizations are represented on the Provincial Human Rights Councils currently being formed.

Human rights monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. The HRA's Diyarbakir branch was reopened in April after having been closed for 3 years. However, several weeks later the state of emergency region governor's office ordered the branch closed for 3 months. Police allowed the reopening in August but within minutes revealed orders to close it for 3 months. The Diyarbakir governor allowed it to reopen 2 months later in October. The HRA branch in Van was also closed for 3 months in May but reopened in August without incident. In February the authorities closed the Malatya HRA branch indefinitely for possessing illegal publications (such as banned issues of otherwise legal newspapers). However, in April a court ruled that there were no criminal grounds for closure, and it reopened in June. At the end of the year, mostly for reasons linked to ongoing protests over F-type prisons (see Section 1.c.), authorities closed HRA branches in Malatya, Gaziantep, Van, and Konya.

Mazlum-DER's Sanliurfa branch reopened in April. The office had been closed since December 1998 after members had made allegedly "separatist" statements in the press regarding the ban on headscarves in public buildings. The Malatya branch remained closed.

In September an international summer program held by the Helsinki Citizen's Assembly (HCA) in Canakkale was closed by Turkish authorities two days after opening. Although no official reason was given for closure, it is possible that the participation of Armenian students may have played a role. The HCA generally has not experienced this kind of closure problem.

The Mersin Migrants' Association (Goc-Der), which was shut down in 1998, in February was given written permission by the Mersin governor to reopen. The Kurdish-led organization assists migrants from the southeast. Goc-Der had been closed pending a verdict in a case accusing its founders of several technical violations of Turkey's Associations Law and of possession of illegal publications. In December 1999, a court acquitted the defendants of all but one minor charge and fined them \$2 (1.5 million TL).

In May student associations at Diyarbakir's Dicle University and Van's Centennial University were closed for 3 months, along with two Diyarbakir "cultural centers." In September the leaders of an Islamic youth organization (National Youth Foundation) said that the police ordered the closure of 28 regional offices of their organization. The National Youth Foundation is affiliated with the Islamist Fazilet party.

The harassment of lawyers involved in political cases in the southeast continued. An increased number of attorneys are willing to defend politically sensitive cases and provide greater mutual support within the profession. However, attorneys still face criminal charges and other harassment, particularly if they defend clients accused of terrorism or illegal political activity, pursue torture cases, or seek prompt access to their clients (which police often view as interference).

During the year, attorneys in several cases were charged with various offenses (such as acting on behalf of illegal organizations), and were detained, searched, or threatened. The lawyer for the teenagers tortured in Manisa (see Section 1.c.) was put on trial for allegedly showing pictures of the accused policemen to the media, although her lawyer claimed that the television cameras had viewed an open case file. In November attorney Zeki Ruzgar, who was convicted in December 1999 of "membership in an illegal organization" and sentenced to 15 years in jail, was acquitted of all charges by the Court of Cassation.

The trial of 25 Diyarbakir lawyers entered its sixth year at the Diyarbakir SSC, with prosecutors in October calling for significant sentences against some of the defendants, who were charged in 1993 to 1994 with "aiding and abetting the PKK" and "membership in an illegal terror organization." Allegations in the indictment include legal behavior such as filing a petition with the ECHR. Some 16 of the lawyers alleged that they were tortured while in incommunicado detention after their arrests. The lawyers were free pending trial at year's end. Human rights monitors believe that their prosecution is intended to punish them for representing clients unpopular with the Government and publicizing human rights violations in the southeast (see Section 1.e.).

In Elazig two lawyers had not yet stood trial based on their 1999 indictment for "slandering government officials." The new Prosecution of Civil Servants law prohibits making false accusations against public employees based on "enmity, hatred, or slandering;" the lawyers are charged with having stated publicly that an alternative medical report showed that their client had been tortured by security officials. No new cases are believed to have been opened under this provision during the year.

Dr. Seyfettin Kizilkan filed his second appeal to the Court of Cassation for a reversal of the Diyarbakir SSC's reconfirmed decision to sentence him to more than 20 years' imprisonment for "assisting and sheltering an illegal organization." Dr. Kizilkan was the director of Diyarbakir's largest hospital and was arrested after police allegedly found bomb materials and PKK documents in his home. Dr. Kizilkan and his associates maintain that the police planted the evidence. He has been transferred out of the state of emergency region to a government hospital in the Black Sea region and was free pending the outcome of his appeal at year's end. The case against Dr. Zeki Uzun, who was accused of aiding illegal organizations by providing medical reports and treatment, ended with his acquittal in March (see Section 1.c.). Some observers claim that Uzun, and others associated with the Izmir HRF Torture Treatment Center, have been harassed for their work with torture victims.

Former HRA Chairman Akin Birdal, who was released from jail in September (see Section 2.a.), faces additional charges in two cases. He is accused of "insulting the moral being of the State" based on a 1998 speech in Urfa to the HRA, while the other trial is based on a 1995 speech in Tarsus for "inciting racial or religious enmity."

A court case was opened in 1998 against 12 policemen accused of torturing the September 1997 "Musa Anter Peace Train" detainees. The case was due to continue with the next trial session in March 2001, but may be suspended under the newly-passed law for probational release of prisoners since the charge was mistreatment (Penal Code Article 245) rather than torture (Article 243). Legal proceedings against some of the organizers ended in 1998 with an acquittal.

Representatives of diplomatic missions who wish to monitor human rights are free to speak with private citizens, groups, and government officials. Security police routinely place such official visitors in the southeast under visible surveillance for reasons that may include an effort to intimidate those they meet, as well as legitimate protection concerns. Visiting foreign government officials and legislators were able to meet with human rights monitors. Representatives of international governmental organizations were able to visit Leyla Zana and Akin Birdal in prison, in accordance with Turkey's international obligations. There were no public reports of officials representing foreign governments being denied permission for such visits.

In May State Minister for Human Rights Mehmet Ali Irtemcelik resigned. He was replaced by Rustu Kazim Yucelen. In September Minister Yucelen began a series of meetings with governmental and civil society leaders. Ten meetings were held in provinces throughout the country and were designed to allow all provinces an opportunity to send representatives. The first meeting, in Tunceli, was attended by more than 200 government and NGO representatives who discussed human rights problems. Participants in other meetings noted the importance of establishing such a dialog, and a range of human rights groups took part. In late November, the Government passed regulations establishing permanent Provincial and Sub-Provincial Human Rights Councils, which will institutionalize consultations among NGO's, professional organizations, and the Government. These councils are being formed and some have held introductory meetings.

In February the High Council for Human Rights Coordination (HCHRC) drafted a report on the reforms needed in order for Turkey to comply with the EU'S "Copenhagen Criteria" of democratization and human rights. The report, also known as the "Demirok Report," was adopted by the High Council (composed of representatives from the Justice, Interior, Education, Health, and Foreign Affairs Ministries, along with representatives of the security forces). The Cabinet adopted the report in September as a working and reference document. The report details dozens of constitutional, legislative, and administrative reforms necessary for compliance with EU political standards and underlines the immediate importance of reforms in the area of free expression.

The mandate of the Parliamentary Human Rights Committee is to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports. The Committee undertook a review of systemic human rights problems, including but not limited to problems in prisons and other places of detention such as police stations (see Section 1.c.). In December the Committee formed permanent sub-committees on prisons and the Provincial/Sub-Provincial Human Rights Councils.

In August the Government signed two U.N. covenants, on Civil and Political Rights and on Economic and Social Rights. They had not yet been ratified by year's end.

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

The Constitution proclaims Turkey to be a secular state, regards all citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds; however, discrimination remains a problem in several areas. The Government officially recognizes only Eastern Orthodox, Armenian Apostolic, and Jewish adherents as minorities covered under the 1923 Treaty of Lausanne.

Women.—Violence against women is a problem. Spousal abuse is serious and widespread. According to the Family Research Institute in the Prime Minister's office, beating in the home is one of the most frequent forms of violence against women. Despite 1998 legislation that made spousal abuse illegal, complaints of beatings, threats, economic pressure, and sexual violence continue. According to a survey done in April by Istanbul University, at least 10 percent of women experience violence on a daily or weekly basis.

Spousal abuse is considered an extremely private matter, involving societal notions of family honor. Few women go to the police, who in any case are reluctant to intervene in domestic disputes and frequently advise women to return to their husbands. The 1998 law allows women to apply for restraining orders against their husbands and therefore to stay in their own homes. Observers and government officials note that this program has been very successful in some of the cities and rural areas of the country but less so in the more traditional southeast. The law is also limited to spouses, and therefore does not address some other sources of violence such as in-laws. Citizens of either sex may file civil or criminal charges for abuse but rarely do so.

There are 9 shelters and 6 consultation centers for battered women; in addition the child protection and social services agency provides services to victims of domestic violence through its 19 social centers. Several private shelters that had previously been in operation closed due to lack of funds.

Laws and ingrained societal notions make it difficult to prosecute sexual assault or rape cases. Although national police statistics show about 1,200 complaints of rape through November, there is no information on what percentage of rape incidents are reported. "Honor murders"—the killing by immediate family members of women who are suspected of being unchaste—continue in rural areas and among recent immigrants to cities; according to media reports, there may be dozens of such murders every year. Under the law, killings that were "provoked" (such as honor killings) can receive a lighter sentence than other types of murders. Because of further sentence reductions for juvenile offenders, observers note that young male relatives often are designated to perform the killing. Government authorities have tried to send a clear message of intolerance for this practice through the prosecution of those responsible for the murders, but it continues. Another dimension of this problem is suicides among young girls forced into marriage. Such suicides are most common in the southeast, where suicides have risen more than 50 percent since 1993 and where 80 percent of suicides are by women. The traditional practice of "virginity testing" continues, despite governmental regulations prohibiting it unless requested by the woman.

Trafficking in women for the purpose of forced prostitution is a problem (see Section 6.f.).

Some laws still discriminate against women. The Civil Code prohibits granting gender-based privileges or rights but retains some discriminatory provisions concerning marital rights and obligations. Because the husband is the legal head of household, he is authorized to choose the domicile and represents the conjugal unit. As parents, husband and wife exercise joint child rearing rights, but when they disagree, the husband's view often prevails. A single woman who gives birth to a child out of wedlock is not considered automatically to be the legal guardian of her child; a court decision may be required. Divorce law requires that the divorcing spouses divide their property according to property registered in each spouse's name. Because in most cases property is registered in the husband's name, this provision can create difficulties for women who wish to divorce. Under inheritance laws, a widow generally receives one-fourth of the estate, and her children receive the rest. According to a 1994 government survey, households headed by women have 50 percent less income than those headed by men.

The literacy rate for women is 78 percent, compared with 94 percent for men, but in rural areas the rate can be as low as 50 percent for women, according to 1999 statistics. One reason for this is that men must serve in the army, and if they do not know how to read they are taught upon entry.

Particularly in urban areas, women continue to improve their position, including in the professions, business, and the civil service. They constitute 35 percent of the students in universities. However, they continue to face discrimination to varying

degrees. Women are generally underrepresented in managerial-level positions. Women generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large percentage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help. Women may take the examination to become governors or subgovernors; several are subgovernors.

Independent women's groups and women's rights associations continue to increase in number. There are many women's committees affiliated with local bar associations. Other organizations include the Association to Support Women Candidates (Ka-Der), "The Flying Broom" women's advocacy group, the Turkish Women's Union, and the Foundation for the Evaluation of Women's Labor. The concept of lobbying for women's rights, including greater elected representation, is gaining momentum. Women continue to be very active in ongoing debates between secularists and Islamists, especially with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities.

Children.—The Government is committed to furthering children's welfare and works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family issues oversees implementation of the Government's programs for children. During the year, the Government established a Children's Rights Monitoring and Assessment High Council to focus on children's rights issues.

Government-provided education through the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to allow more girls to continue their education. In practice in rural Anatolia, the literacy rate for girls is very low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some continue on to high school, for which they generally must travel or live away from home (see Section 1.g.).

The social security system aims to provide social security and health insurance for all its citizens, but there are still gaps in this coverage, leaving about 20 percent of families and their children without coverage, according to the June UNICEF report on "The State of Women and Children in Turkey." Persons not covered by insurance may use a special program to access public health care. In terms of immunization, infant mortality, and malnutrition, Turkey's standards remain at levels that are not compatible with the level of development and resources in the country, according to the UNICEF report. Currently, only about 40 percent of children aged 12 to 23 months are fully immunized. Infant mortality has rapidly declined over the past decade, and as of 1998 stood at 43 per 1,000.

Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvent or ignore these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors and that minors must be provided with lawyers; however, in practice police and prosecutors often deny minors access to lawyers and fail to inform parents. Children and juveniles detained under the Anti-Terror Law also often are held for up to 4 days in incommunicado detention. In September the Minister of Justice and the head of Ankara's Bar Association signed an agreement allowing the Bar Association to inspect two children's prison facilities in Ankara, the first such arrangement.

Children have suffered greatly from the cycle of violence in the southeast. The migration—forced or voluntary—of many families, past terrorism against teachers, and school closings in the southeast have uprooted children and moved them to cities that are hard pressed to find the resources to provide basic, mandatory services such as schooling. Many cities in the southeast are operating schools on double shifts, with as many as 100 students per classroom (see Section 1.g.). The Government has built regional boarding schools to help deal with this problem, but they are insufficient in number.

Instances of child beating and abuse are reported more frequently than in previous years, according to women's groups. The increase likely is attributable to greater public awareness of the problem.

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

People with Disabilities.—The law does not mandate accessibility to buildings and public transportation for the disabled. According to the June UNICEF report on women and children in Turkey, welfare institutions "provide limited financial, employment and educational support to the handicapped." According to the report, the number of disabled persons is unknown. The Ministry of Education reports that there are 1.1 million disabled children in the country. Although there are many in-

stitutions for the disabled, most attention to disabled persons remains at the individual and family level. The Government established an "Administration of Disabilities" office under the Prime Ministry in 1997, with the mandate of developing cooperation and coordination among national and international institutions, and to conduct research into issues such as delivery of services. Certain categories of employers are required to hire disabled persons as 2 percent of their employee pool, although there is no penalty for failure to comply.

Religious Minorities.—Jews and numerous Christian denominations are generally free to practice their religions and report little discrimination in daily life. However, there are restrictions on clerical training and on the Orthodox Patriarch in Istanbul, and police disrupted several Christian religious gatherings on the grounds that they were being held in unauthorized locations.

The Government restricts the Orthodox Patriarch by requiring that he be a Turkish citizen and that his selection be approved by the Government. In addition in 1971 the Government closed the only remaining Orthodox theological seminary in the country. As a result, Orthodox citizens have no access to theological training—requisite to become an Orthodox Priest—in Turkey.

In May police raided a small Christian congregation in the Avcilar district of Istanbul and arrested six Turkish citizens, an American, and an Australian. They were charged with opening a Christian training institute without legal permission. The defendants were charged with violating Law 2911, which "prohibits unauthorized meetings and demonstrations." The defendants maintained that they completed the required applications to hold meetings with the assistance of local police officials. The case is currently pending.

Jews and numerous Christian denominations freely practice their religions and report little discrimination in daily life. Some incidents still occur, and extremist groups or individuals target minority communities from time to time. However, during the year no attacks were reported on minority community properties. No perpetrators have been arrested or charged in a 1998 arson attack on the Orthodox shrine, now a museum, at Saint Therapon where the custodian was killed; nor in the December 1997 bombing at the Orthodox Patriarchate. Police protection increased after the 1998 attack, and investigations continue. In June, 33 persons were convicted and given the death penalty for "trying to change the constitutional regime," for their role in setting a July 1993 fire in which 37 secularist intellectuals (mainly Alawi Muslims) died.

No laws prohibit religious conversion. Nonetheless individuals contemplating conversion, especially to Christianity, often face family and community pressures, and proselytizing remains socially unacceptable. Some members of religious minorities claim that they have limited career prospects in government or military service as a result of their religious affiliation. There are no non-Muslim senior officers in the military, according to a senior military official, because non-Muslims do not apply to attend the military academy, and officers must be graduates.

Many religious minority members, along with many in the secular political majority of Muslims, fear the possibility of Islamic extremism and the involvement of even moderate Islam in politics. Islamist journals frequently publish anti-Semitic material.

National/Racial/Ethnic Minorities.—The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority. There are no legal barriers to ethnic Kurds' participation in political and economic affairs, and many M.P.'s, senior officials, and professionals are Kurds; however, Kurds who publicly or politically assert their Kurdish identity or publicly espouse using Kurdish in the public domain risk public censure, harassment, or prosecution. In March the Court of Cassation for the first time affirmed a lower court decision to allow a Turkish citizen to change registry records and give his daughter a Kurdish-language, rather than Turkish, first name. Kurds who are long-term residents in industrialized cities in the West are in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds currently migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, but often little education and few skills.

Private spoken and printed communications in Kurdish are legal; however, the use of minority languages, including Kurdish, in television and radio broadcasts, by political parties, and in schools is restricted by a plethora of laws and even articles of the Constitution (see Section 2.a.); these restrictions are invoked arbitrarily. Although some senior politicians, including the Prime Minister, Deputy Prime Minister Yilmaz, Foreign Minister Ismail Cem, and the head of the intelligence service

have asserted that the Government should allow Kurdish broadcasting, no changes to the applicable laws were made.

The Government circumscribes the activities of organizations such as the MKM, a corporation with branches in several cities outside the southeast, which was established to promote Kurdish language and culture (see Section 2.a.).

The Ministry of Education tightly controls the curriculum in schools (except foreign-language schools not part of the Turkish system). The small numbers of Greek-language students have little opportunity to continue their education in Turkey, and consequently many go to Greece, often never to return.

No accurate accounting of the Romani population exists, but it may be significant in regions near Bulgaria and Greece. No incidents of public or government harassment directed against Roma were reported. However, experts claim that Roma experience discrimination, for example, regarding employment. In June the head of the Diyanet issued a circular instructing muftis to educate the public about Turkish Roma and stressing that Islam considers all persons born equal and without any sins. The circular instructed muftis to dispel myths that lead to discrimination against Roma.

Section 6. Worker Rights

a. The Right of Association.—Workers, except police and military personnel, have the right to associate freely and form representative unions. This right encompasses civil servants, including schoolteachers.

The Constitution stipulates that no one shall be compelled to become, remain a member of, or withdraw from, a labor union. The law states that unions and confederations may be founded without prior authorization based on a petition to the governor of the province of the prospective union's headquarters. Unions are independent of the Government and political parties. They must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. The Constitution requires candidates for union office to have worked 10 years in the industry represented by the union. The Supreme Court in 1998 banned the Disk-affiliated union in the leather sector, Deri-Is, because it violated this article in the Constitution and prohibited it from appealing to a higher court. It applied to the ECHR for redress. The International Labor Organization (ILO) Committee on Freedom of Association has stated that this provision is extremely prejudicial to the interests of the trade unions and has urged that it be repealed.

Just over 13 percent of the total civilian labor force (15 years of age and above) are unionized. The labor force numbers around 22 million, with approximately 43 percent employed in agriculture. There are four confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is); the Confederation of Turkish Real Trade Unions (Hak-Is); the Confederation of Progressive Trade Unions (DISK); and the National Confederation (Misk). There are also 3 public employees unions and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly affecting members' economic and social interests.

Prosecutors may ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms. However, the Government may not dissolve a union summarily.

The constitutional right to strike is restricted. For example, the Constitution does not permit strikes by civil servants, workers engaged in the protection of life and property, and those in the mining and petroleum industries, sanitation services, national defense, and education. The right to strike is suspended for the first 10 years of a company's operations in the nine free trade zones (see Section 6.b.).

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout. Nonbinding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. Unions are forbidden to engage in secondary (solidarity), political, or general strikes, or in slowdowns. The employer may respond to a strike with a lockout but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. Article 42 of Law 2822, governing collective bargaining, strikes, and lockouts, prohibits the employer from terminating workers who encourage or participate in a legal strike. In sectors in which strikes are prohibited, disputes are resolved through binding arbitration.

The Government has the statutory power under Law 2822 to suspend strikes for 60 days for reasons of national security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators still fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and

the Committee on the Application of Standards regard the Government's application of Law 2822 as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserts that the law does not contradict the Committees' principles.

According to the Labor Ministry, from January through November there were 19 strikes in the public sector involving 11,879 workers and 32 strikes in the private sector involving 6,565 workers. During the same period there were also 2 lockouts in the private sector involving 2,483 workers.

Public and private sector workers throughout the country went on strike during the summer to protest efforts by the Government and employers to keep pay raises in line with the Government's planned inflation rate of 25 percent.

Some labor union members faced government limits on freedom of speech and assembly (see Sections 2.a. and 2.b.), while some civil service organizations continued to demonstrate for the right to strike and for higher salaries. Legislation providing the right to strike for civil servants was introduced in the last parliamentary session but was not adopted. Civil servants currently have the right to organize and engage in collective bargaining.

All defendants were acquitted in the trial, begun in 1996, against Turk-Is Chairmanship Council officials who were charged with violating the Associations Law when Turk-Is announced support for political parties during the 1995 election. No action has been taken in a second trial against Turk-Is officials charged with holding illegal demonstrations in 1995 to protest a deadlock in collective bargaining.

With government approval, unions may and do form confederations and join international labor bodies, as long as these organizations are not hostile to Turkey or to freedom of religion or belief. The International Confederation of Free Trade Unions (ICFTU), of which Turk-Is had been an affiliate for years, approved DISK as an affiliate in 1992; Hak-Is became a member in 1997.

b. The Right to Organize and Bargain Collectively.—All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers are organized. The law requires that, in order to become a bargaining agent, a union must represent not only 50 percent plus 1 of the employees at a given work site, but also 10 percent of all the workers in that particular industry. This barrier has the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents nearly 73 percent of organized labor.

The Ministry of Labor reportedly manipulated membership figures to prevent unions from acquiring bargaining rights or to rescind such rights. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity are not covered by a collective agreement.

The ILO has called on the Government to rescind this 10 percent rule, stating that it violates ILO Convention 98. However, both Turk-Is and the Turkish employers' organization favor retention of the 10 percent rule, since each confederation has an established membership area and does not want the status quo upset. In 1994 the Government informed the ILO Committee on the Application of Standards that the Ministry of Labor and Social Security proposed to remove the 10 percent numerical restriction and that it had communicated its proposal to the social partners. The ILO took note of the Government's statement that it continued to study removal of this requirement despite objections from employer and worker organizations. However, since then the Government has taken no further action.

The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must reinstate him and pay all back benefits and salary. These laws generally are applied in practice.

The ILO has urged the Government to take the necessary measures to ensure that workers have effective protection against antiunion discrimination. Some private sector employers continued to try to eliminate unions. A total of 414,000 workers in the public sector were dismissed within the last 2 years. As a result of the privatization of 128 entities in 12 sectors, 10,746 workers were laid off.

The continuing state of emergency in the southeast has resulted in restrictions on labor organizations in four provinces. A law enacted in 1984 provides for the establishment of free trade zones, which are intended to attract domestic and especially foreign investment, and to promote international trade. There are nine such zones operating in Mersin, Antalya, the Aegean region, Trabzon, Istanbul (two), Eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones. However, the right to strike is suspended for the first 10 years of operation of a particular business in the zone. In the meantime, labor disputes that cannot be settled by the parties are subject to compulsory arbitration.

Workers inside the zones are paid in foreign exchange rather than in Turkish currency, giving them a hedge against inflation.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and statutes prohibit compulsory labor, including that performed by children, and the Government generally enforces these provisions in practice; however, trafficking in foreign women and girls for the purpose of forced prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and labor laws forbid the full-time employment of children younger than age 15, with the exception that those 13 and 14 years of age may engage in light, part-time work if enrolled in school or vocational training. The Constitution also states that “no one shall be required to perform work unsuited to his/her age, sex, and capacity.” With this article and related laws, the Government undertakes to protect children from work unsuited to their age and capacity, such as underground mining and from working at night. According to Article 67 of the Labor Law, children who attend school can work no more than 7.5 hours a day, inclusive of school time. The Ministry of Labor effectively enforces these laws only in largescale industrial and service sector enterprises. Children working in agriculture, in household-based establishments, in establishments with three or fewer workers, in apprenticeship training centers, and those working as domestic servants are subject to the Code of Obligations, which fails to provide a minimum age of employment. However, according to Article 174 of the Code of Obligations, children between the ages of 12 and 16 years may not work at night and may work for no more than 8 hours a day.

Child labor is widespread. According to a June United Nations Children’s Fund report, 1.07 million children between the ages of 6 and 14 and 2.4 million children between the ages of 15 and 17 are in the labor force. This represents about six percent of all children aged 6 to 14, and 60 percent of those aged 15 to 17. According to an October 1999 State Statistics Institute report, 961,000 children work in family businesses and do not receive wages, 257,000 are seasonal workers, and 387,000 are wage earners. Some 1.1 million of the working children are boys. Child labor is used most often in small-sized enterprises. According to official data, 87 percent of working children are employed by small-sized enterprises having 1 to 9 workers, 7 percent work in medium-size enterprises (10 to 24 workers), and 6 percent are employed by large-scale enterprises (more than 25 workers).

In practice many children work because families need the supplementary income. An informal system provides work for young boys at low wages, for example, in auto repair shops. Girls rarely are seen working in public, but many are kept out of school to work in handicrafts, especially in rural areas. The bulk of child labor occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. It is common for entire families to work together to bring in the harvest.

The gradual elimination of child labor is a national priority. The seventh 5-year development plan, which ran through this year, committed the Government to enact legislation to restrict further child labor and to adopt legislation to conform to relevant international conventions. The Government recognizes the serious problem of child labor and works with the ILO to document its extent and to determine solutions.

The Ministry of Labor, the ILO’S International Program on the Elimination of Child Labor (IPEC) government partner, actively has been combating child labor since 1992, when it established a child labor unit and trained Ministry of Labor inspectors specifically in child labor issues. In 1996 the Government and the ILO signed an agreement to extend IPEC until December 2001. Currently some 70 of the 700 field inspectors are trained to handle child labor issues, while the total number of establishments falling within the jurisdiction of the Ministry is 4 million. Labor inspectors only cover areas that are defined in the labor laws. Many children are working in areas that are not covered by labor laws, such as agriculture or the informal economy and are therefore beyond the reach of the inspectorate.

With the introduction in 1998 of the 8-year compulsory education program (previously, 5 years were compulsory), the Government expected the number of child workers to be reduced significantly, since children are required to attend school until age 14. As yet, no statistics are available concerning the impact of the mandatory 8-year education on child labor.

Small enterprises prefer child labor because it is cheaper and provides practical training for the children, who subsequently are preferred for future employment in the same workplace. If children employed in these businesses are registered with a Ministry of National Education training center, they go to the center once a week for training, and the centers are obliged by law to inspect their workplaces. Currently there are 318 centers located in 80 cities. These centers provide apprentice-

ship training in 86 occupations. Only 22.8 percent of working children take advantage of these schools.

The Constitution prohibits compulsory labor, including that performed by children, and the laws generally are enforced; however, trafficking in foreign girls for the purpose of forced prostitution is a problem (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—The Ministry of Labor is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body. In recent years, it has done so annually. However, during the year there were two adjustments: the nominal minimum wage was increased in January by 15 percent and again in July by 10 percent, compared with an annual inflation rate of nearly 34 percent. Public workers who are part of collective labor agreements also received an inflation-indexed increase and a 5 percent prosperity rate increase. The monthly gross minimum wage rates, which became effective in July, were approximately \$180 (118.8 million TL) for workers over age 16, and \$110 (75 million TL) for workers under 16.

The minimum wage does not provide a decent standard of living for a worker and family. It would be difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. Most workers earn considerably more. According to the results of an August survey conducted by the Public Workers' Labor Union, a four-member family requires \$834 (534 million TL) per month to live above the poverty line. Workers covered by the labor law, who constitute about one-third of the total labor force, also receive a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, make basic wages alone account for only about 37.3 percent of total compensation.

The labor law sets a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribes a weekly rest day and limits the number of overtime hours to 3 per day, for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforces wage and hour provisions in the unionized industrial, service, and government sectors, which cover about 12 percent of workers.

The law mandates occupational health and safety regulations, but in practice the Government does not carry out effective inspection and enforcement programs. Law 1475 allows for the shutdown of an operation if a five-person committee, which includes safety inspectors, employee, and employer representatives, determines that the operation endangers workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes result in scant attention to occupational safety and health by workers and employers alike. The law sets out procedures under which workers may remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—The Government deals with the problem of trafficking in persons through laws relevant to prostitution and illegal immigration. The Ministries of Justice and the Interior are responsible for the problem, and the police, especially the immigration and organized crime authorities, enforce antitrafficking laws. Under the Penal Code, it is illegal to abduct and detain a woman or child. However, this law relates more to the old custom of kidnaping a bride, in which punishment is suspended if abductor and abductee get married. A further provision prohibits enticement to prostitution; however, penalties are light (up to 2 years' imprisonment). A further article of the Penal Code makes it a crime to send a prostitute from one place to another by force or fraud. These laws, and those dealing with illegal immigration, are most relevant to trafficking in persons.

Turkey is a major destination and transit country for trafficking in women and girls for the purpose of forced prostitution. The International Organization for Migration (IOM) and domestic NGO's stated that most trafficked women in the country are from Albania, Bulgaria, Moldova, Romania, and Ukraine. Arrests (and in most cases, deportations) of nationals from Moldova, Romania, and Ukraine rose from 6,700 in 1998 to approximately 11,000 in 1999, according to IOM. According to the Turkish National Police, 232 Moldovan, 293 Romanian, and 175 Ukrainian women were extradited in 2000. African and Asian women use Turkey as a transit point to other countries in Europe.

Organized crime groups appear to be the primary trafficking organizations. The Ministry of the Interior's organized crime department is responsible for combating trafficking. According to NGO's, victims of trafficking receive no governmental assistance and the trafficking cycle continues. Many women and girls come to the country believing that they have legitimate work as models, entertainers, governesses, or translators. In some cases, girls from Romanian orphanages have been kidnaped. Most of the activity occurs in Istanbul, Izmir, and Trabzon. Once in the country, the trafficked women and girls are in debt bondage to their traffickers, who are members of the mafia (mainly Russian). Women who attempt to escape often are

beaten, gang-raped, or killed. The Government addresses this problem with laws relating to illegal migration and unregistered prostitution; registered prostitution is legal.

Reportedly there is almost no trafficking in Turkish women or girls. There were no reports of trafficking in children for the purpose of forced labor; legislation in this area addresses the issue (see Section 6.d.).

There is little formal interagency cooperation in dealing with the problem of trafficking. Representatives from the Ministries of Interior, Justice, and Health, among other ministries and NGO's, have met on this issue. The Alien's Department of the police is the most active governmental entity addressing this problem.

The Government does not provide any formal protection, aid, or education to victims of trafficking. Since the women being trafficked are not usually from Turkey, preventive education is less applicable. Women's shelters are open to women regardless of citizenship.

TURKMENISTAN

Turkmenistan, a one-party state dominated by its president and his closest advisers, continues to exercise power in a Soviet-era authoritarian style despite Constitutional provisions nominally establishing a democratic system. The seriously flawed December 1999 parliamentary elections and the passage of a law exempting President Saparmurat Niyazov from term limits were backward steps. Niyazov, head of the Turkmen Communist Party since 1985 (renamed the Democratic Party in 1992) and President of Turkmenistan since its independence in 1991, legally may remain in office until his death. Niyazov retained his monopoly on power, and the Democratic Party, the renamed Communist Party, remained the sole political party in the country. The Government registered no parties during the year and continued to repress all opposition political activities. Emphasizing stability and gradual reform, official nation-building efforts focused on fostering Turkmen nationalism and the glorification of President Niyazov. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority, and in practice the President controls the judicial system.

The Committee on National Security (KNB) has the responsibilities formerly held by the Soviet Committee for State Security (KGB); namely, to ensure that the regime remains in power through tight control of society and repression of dissent. The KNB reportedly exercises wide discretion over issues such as exit visas and Internet access and works to limit personal freedoms. The Ministry of Internal Affairs directs the criminal police, which works closely with the KNB on matters of national security. Both forces committed serious human rights abuses.

Turkmenistan is largely a desert with cattle and sheep raising, intensive agriculture in irrigated areas, and huge oil and gas reserves. Its economy remains dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. Agriculture, particularly cotton cultivation, accounts for nearly half of total employment. Gas, oil and gas derivatives, and cotton account for almost all of the country's export revenues. Negotiations between the Government and an international gas consortium concerning the construction of a gas export pipeline across the Caspian Sea—the Trans-Caspian Pipeline—stalled in the latter half of the year. While the idea for the pipeline still exists, the Government is focusing instead on negotiating large gas deals with Russia and Ukraine. It is also considering projects for pipelines through Iran and Afghanistan, as well as a pipeline to China.

The Government's human rights record remained extremely poor. The Government continued to commit serious human rights abuses, and the authorities in particular severely restricted political and civil liberties. Citizens do not have the ability to change their government peacefully. In 1999 one political prisoner died in custody under suspicious circumstances. Security forces continued to beat and otherwise mistreat suspects and prisoners, and prison conditions remained poor and unsafe. Both the criminal police and the KNB operate with relative impunity and abused the rights of individuals as well as enforced the Government's policy of repressing political opposition. Arbitrary arrest and detention, prolonged pretrial detention, and unfair trials remained problems. Approximately 12,000 prisoners were amnestied and released during the year; 2 were political prisoners. An additional 2,000 received a reduction of sentence. Interference with citizens' privacy remained a problem. During the year, the Government demolished hundreds of private homes in and around Ashgabat with very little notice given to the owners in order to make room for large urban building projects such as luxury apartments, government

buildings, and monuments; many displaced homeowners received little or no compensation for their loss.

The Government severely restricts freedom of speech and does not permit freedom of the press. In May the Government withdrew the operating licenses of all private Internet providers, leaving only state-owned Turkmen Telecom as a service provider. The Government completely controls the media, censoring all newspapers and never permitting independent criticism of government policy. Criticism of officials is only permitted if it directed at those who have fallen out of favor with the President. The focus of the media on President Niyazov, around whom a personality cult has been built, intensified during the year. The President's father and mother have been incorporated more fully into the cult. Academic freedom has also declined. The Government restricts freedom of assembly and association. The Government imposes restrictions on nonregistered religious groups. The law on religion reaffirms a number of important religious freedoms but also tightens government control of religious groups. The requirement that religious organizations have at least 500 Turkmen citizens as members in a given locality to be registered legally has prevented all but Sunni Muslims and Russian Orthodox Christians from legally establishing themselves. Repression of religious minorities continued during the year, although it abated somewhat during the summer following a government decree against unlawful searches that was issued in April. At least 10 non-governmental groups were registered during the year; 8 were affiliated with Sunni Muslim. Government restrictions on travelling abroad, including for educational and training purposes, tightened during the year. The Government has also increased restrictions on internal travel, limiting travel of both citizens and non-citizens to border cities and regions. Domestic violence against women is a problem, and women experience societal discrimination. The Government generally gave favored treatment to men over women and to ethnic Turkmen over minorities.

In January 1999, the Organization for Security and Cooperation in Europe (OSCE) opened an office in Ashgabat.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—In September 1999, political prisoner and Russian citizen Khoshali Garayev was found hanged in his cell in the maximum security prison in Turkmenbashi. Following his death, the Government rejected requests in 1999 from the Russian Government and international human rights organizations for an investigation into the suspicious nature of Garayev's death (see Sections 1.c. and 1.e.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The 1992 Constitution makes torture or other cruel, inhuman, or degrading treatment illegal; however, there were widespread credible reports that security officials frequently beat criminal suspects and prisoners and often used force to obtain confessions. There were credible reports that political prisoners are singled out for cruel treatment. There were reports that prisoners needing medical treatment have been beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions. In November four Protestants were tortured while in police custody and at least three of them subsequently had their homes and cars confiscated after being forced to sign a statement saying that they voluntarily had donated all they owned as a gift to the President (see Section 2.c.).

Prison conditions are poor, and prisons are unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, is rampant. Food is poor and prisoners depend on relatives to supplement inadequate food supplies. Those who do not receive food from relatives suffer greatly. Facilities for prisoner rehabilitation and recreation are extremely limited. Some prisoners have died due to overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In Turkmenbashi prison, inmates reportedly are housed 14 to a cell and are permitted visits from relatives once every 3 months, who may bring food once every 2 months. In Kizlkaya prison, near Dashoguz, prisoners are forced to work in a kaolin mine under hazardous and unhealthy conditions (see Sections 2.b. and 6.c.). In September 1999, a political prisoner was found hanged in his cell under suspicious circumstances (see Sections 1.a. and 1.e.).

The Government does not permit independent monitoring of prison conditions. The OSCE has repeatedly requested permission from the Government to visit prisons, but has received no response.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention are problems. The Constitution states that citizens “have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a state, official, or commercial secret.” However, in practice those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e. and 2.b.).

On January 5, the Government arrested Nurberdy Nurmamedov, the head of the Agzybirlık (Unity) National Movement. Nurmamedov was convicted of hooliganism and making death threats on a business associate; he was given a 5-year term in a labor camp, but was amnestied on December 22. Nurmamedov’s son, Murat, was also convicted of hooliganism and sentenced to 2 years of hard labor, but was put under house arrest instead of going to prison. The arrests of Nurmamedov and his son followed shortly after Nurmamedov’s statements criticizing the December 12, 1999, Mejlis elections and the decision by the Mejlis to appoint Niyazov president for life (see Section 2.a.).

In November 1999, the Government sentenced Parahat Yklimov, the brother of Sapar Yklimov—a former government official who lives outside the country—to 11 years’ imprisonment for financial misconduct. Prior to his arrest, he reportedly had been warned that his brother should cease his political activities abroad. His family reportedly was told by internal security organizations that he would be released if his brother returned to the country.

The precise number of political detainees held at year’s end was unknown. By law a person accused of a crime can be held in pretrial detention for up to 10 months. According to the Government, out of a total of 22,000 prisoners countrywide, some 12,000 prisoners were amnestied and released by year’s end (see Sections 1.e and 3). Among those amnestied were political prisoners Nurberdy Nurmamedov and Pirkuli Tanrikuliev. A further 2,000 prisoners were granted a reduction in sentence. In January 1999, the Government released dissident Gulgeldi Annaniyazov.

In January there were reports that a Baptist pastor and his wife, who were residing legally in the country, were deported to Ukraine. In February the family of jailed Baptist Shageldi Atakov was exiled to a small village outside of Mary (see Section 2.c.). In March the authorities forcibly returned to Russia three Baptist preachers and their families who had been living in Ashgabat and Mary (see Section 2.c.). Also in March, the Government arrested religious leader Hoja Ahmed Orazgylychev and tore down an unregistered mosque and religious school run by Orazgylychev and his followers; he subsequently was released and sentenced to internal exile in Tedjen (see Section 2.c). This occurred after he reportedly gave an interview to the Government that was critical of the President.

In November 1999, President Niyazov announced plans to deport to remote areas any government officials who were found to have committed crimes. President Niyazov proposed that the officials, accompanied if they desired by their families, would work off their sentences in exile. Almost all prominent political opponents of the Government have chosen to move to either Russia, Sweden, Norway, or the Czech Republic for reasons of personal safety; none returned during year.

e. Denial of Fair Public Trial.—The Constitution provides for judicial independence; however, in practice, the judiciary is not independent. The President’s power to select and dismiss judges subordinates the judiciary to the Presidency. The President appoints all judges for a term of 5 years. The appointments are without legislative review, except for the Chairman (Chief Justice) of the Supreme Court, and the President has the sole authority to remove all appointees from the bench before the completion of their terms.

The court system has not been reformed since the Soviet era. It consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat only), and, at the lowest level, 61 district and city courts. A Supreme Economic Court hears cases involving disputes between state-owned enterprises and ministries, and, increasingly, commercial disputes. The Government abolished all military courts in 1997. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. In practice authorities often deny these rights, and there are no independent lawyers, with the exception of a few retired legal officials, available to represent defendants. When a person cannot afford the services of a lawyer, the court appoints one. A person may represent himself in court.

Lower courts’ decisions may be appealed, and the defendant may petition the President for clemency. The President released over 12,000 inmates from prison in connection with general amnesties during the year (see Section 1.d. and 3). In prac-

tice adherence to due process is not uniform, particularly in the lower courts in rural areas. Even when due process rights are observed, the authority of the government prosecutor vis-a-vis the defense attorney is so great that it is very difficult for the defendant to receive a fair trial. The Government denied foreign diplomats access to several supposedly open court proceedings.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov. In January the Government released political prisoners Nurberdy Nurmamedov and Pirkuly Tanrikuliev as part of a general amnesty (see Section 1.d.). In September 1999, Russian citizen Khoshali Garayev, one of two persons convicted in secret before the Supreme Court in 1995 for antigovernment activities and planning terrorist actions against government officials, was discovered hanged in his cell at the maximum security prison in Turkmenbashi. The Government rejected all requests for an investigation into the circumstances surrounding Garayev's death (see Sections 1.a. and 1.c.). In December 1998, he and Mukhamedkuli Aimuradov were sentenced to additional concurrent terms of 18 years for allegedly attempting to escape from this prison.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of protection from arbitrary interference by the State in a citizen's personal life; however, government authorities violated this right. There are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitors the activities of opponents and critics of the Government. Security officials use physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other people, report credibly that their mail is intercepted before delivery.

In the past, the authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. Internal security organizations reportedly pressured relatives of a former government official who left the country to convince him to return (see Section 1.d.). The relatives of a democracy activist convicted on charges of embezzlement lost a government job and access to the state-run university (see Section 2.b.). The authorities also threaten supporters of opposition political movements with loss of employment and homes (see Section 2.b.). In October President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 2.a.).

During the year, the Government demolished hundreds of private homes in and around Ashgabat at very short notice in order to make way for large government building projects such as a new sports stadium, public monuments, and luxury apartments. Those who built their homes without the appropriate approval from the Government were not offered alternate accommodations despite their length of occupancy or degree of hardship. Some of these families continue to live outdoors, near their destroyed homes, for lack of any alternative. Others who had the proper building permission have been offered apartments or plots of land in compensation, but such compensation is often not at fair market value (i.e. desert plots with no amenities) or inadequate for large families.

In April the President ordered the implementation of new procedures restricting searches of private homes (see Section 2.c.). The measures were formally approved by the legislature on June 15 and became effective immediately.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for the right to hold personal convictions and to express them freely; however, in practice, the Government severely restricts freedom of speech and does not permit freedom of the press. Criticism of the Government can lead to personal hardship, including loss of opportunities for advancement and employment.

The Government completely controls radio and television. It funds almost all print media. The Government censors newspapers and uses Turkmen language newspapers to attack its critics abroad; the Committee for the Protection of State Secrets must approve prepublication galleys. Russian-language newspapers from abroad are available by subscription only and are dated. Some Russian and other foreign newspapers are also available in several Ashgabat hotels. Owners of satellite dishes have access to foreign television programming. Use of satellite dishes in Ashgabat appears widespread, but the dishes are too expensive for poorer residents outside of urban areas.

While Internet access is available, there is now only one provider for the whole country. On May 29, the Government withdrew the licenses of all private Internet providers, leaving state-owned Turkmen Telecom as the sole Internet provider for the whole country. There are credible reports that the Government took this meas-

ure in order to monitor Internet activity, especially electronic mail. Internet access is prohibitively expensive for most citizens. For normal usage, monthly fees average \$20 (400,000 manat at the street rate), which is the amount of the minimum monthly wage.

In June 1999, the tri-language daily Ashgabat dropped its English and Russian sections and now is printed in Turkmen only. There are no Russian-language radio broadcasts and only one short Russian-language news program on television each day. In order to regulate printing and copying activities, the Government ordered in February 1998 that all publishing houses and printing and copying establishments obtain a license and register their equipment.

The Government prohibits the media from reporting the views of opposition political leaders and critics, and it never allows even the mildest form of criticism of the President in print. The focus of the media on President Niyazov, to the exclusion of objective news reporting, intensified during the year and amplified the cult of personality centered around the President. Public criticism of government officials is done almost exclusively by the President himself. The Government has subjected those responsible for critical foreign press items to threats and harassment.

In January the Government arrested and sentenced Nurberdy Nurmamedov, the head of the Agzybirlik (Unity) National Movement, for hooliganism and making death threats; his son Murat was sentenced for hooliganism, as well (see Section 1.d.). The arrests followed shortly after Nurmamedov's statements criticizing the December 12, 1999, Mejlis elections and the decision by the Mejlis to appoint Niyazov president for life.

All foreign correspondents who had applied for accreditation, except the Reuters correspondent, had received it by year's end.

In January 1999 the Government arrested human rights and democracy advocate Vyacheslav Mamedov for remarks on a Russian radio broadcast attributed to him that were critical of the Government's treatment of ethnic Russians. Mamedov was soon released but remained under investigation, and his nongovernmental organization (NGO) remained unregistered at year's end.

Intellectuals have reported that the security organs have instructed them to praise the President in their art and have warned them not to participate in receptions hosted by foreign diplomatic missions. The Minister of Culture attends rehearsals of all theater productions to ensure that they do not contain antigovernment or antipresidential content. The Ministry of Culture must approve plays before they open to the public.

The Government also significantly restricts academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive, such as comparative law, history, or ethnic relations. All publishing companies are state-owned and works by authors of fiction who write about particular periods of history or other topics that are out-of-favor with the Government are not published. The government-controlled Union of Writers has in the past expelled members who have criticized government policy; libraries have removed their works. The Government abolished the Academy of Sciences in 1998. No masters' degrees or doctorates have been granted in the country since that time.

The Government increased restrictions on academic freedom during the year. Following remarks by President Niyazov on September 27, in which he criticized an elementary school history textbook for its portrayal of Turkmen history, all copies of the book were recalled from schools and most have been destroyed. Scholars are very reluctant to begin textbook projects. During the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.d.).

President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 1.f.). The President also decreed that foreign languages would only be taught in special language centers located in specific schools.

b. Freedom of Peaceful Assembly and Association.—The Constitution allows for peaceful assembly; however, the Government restricts this right in practice. Permits are required for public meetings and demonstrations. In the past, there were reports of spontaneous demonstrations; for example, over bread prices. According to Human Rights Watch, in August approximately 200 village women who aimed to bring their grievances before the President were prevented from entering Ashgabat by police forces. In September a group of approximately 30 students who had been accepted to study in Turkey but who had been denied exit visas demonstrated along with their parents in front of the cabinet of ministers building.

The Constitution allows for freedom of association; however, the Government restricts this right in practice. Unregistered organizations with political agendas are

not allowed to hold demonstrations or meetings. No political groups critical of government policy have been able to meet the requirements for registration. The Government uses laws on the registration of political parties to prevent the emergence of potential opposition groups. At present the only registered political party is the Democratic Party, the former Turkmen Communist Party.

Social and cultural organizations without political aims are allowed to function, but have found it difficult to register as legal entities. However, during the year, the Government reportedly registered at least 10 NGO's: 8 groups affiliated with Sunni Islam (see Section 2.c.), 1 union of entrepreneurs and inventors, and 1 educational support group. Two registered NGO's that had experienced legal difficulties and were in danger of being closed down by the Government earlier in the year had resolved their legal disputes by year's end. One of the NGO's was in the process of re-registration and the other, which had not previously been registered, was not registered but was operating normally.

Theoretically citizens have the freedom to associate with whomever they please; however, the authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and even threatened them with the loss of their homes. In addition some citizens with links to foreigners are subject to official intimidation. In July 1999, the Government arrested former parliamentarian and democracy advocate Pirkuli Tanrikuliev on charges of embezzlement after he discussed forming a new political party with Western diplomats. Thereafter the Government convicted him, sentenced him to 8 years in prison, and stripped him of his medical credentials. Shortly before his arrest, his daughter lost her government job and his youngest son was removed from the list of those accepted into the state-run university. He was released under the presidential amnesty in December.

c. Freedom of Religion.—The Constitution provides for freedom of religion and does not establish a state religion; however, the Government imposes restrictions on most religious groups. Citizens are overwhelmingly Muslim, but Islam does not play a dominant role in society, in part due to 70 years of Soviet rule. The Government pays the salaries of Muslim clerics.

There is no state religion, but a modest revival of Islam has occurred since independence. The Government has incorporated some aspects of Muslim tradition into its efforts to define a Turkmen identity. Publication of the President's philosophical and spiritual guidelines on what it means to be Turkmen, known as "rukhname," has been delayed several times. There is widespread concern over what rukhname might mean for individual freedom. The state-supported Council on Religious Affairs (CRA) is part of the government bureaucracy rather than an organ for promoting interfaith dialog. The Russian Orthodox council member wears presidential medals on his clerical vestments. According to a Keston News Service report, the Council appears to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, despite the fact that this role is not listed among the CRA's duties in the Law on Religion. During the year, the Government registered 10 new NGO's, 8 of which were affiliated with Sunni Islam (see Section 2.b.).

While it affirms a number of important religious freedoms, the Law on Freedom of Conscience and Religious Organizations, which was amended in 1995 and again in 1996, also provides for significant government control of religion. Religious congregations are required to register with the Government and must have at least 500 Turkmen citizens over the age of 18 as adherents to be registered. This requirement has prevented all but Sunni Muslims and Russian Orthodox Christians from setting up legal religious organizations. Moreover the Government applies this 500-member standard on a local basis. A religious group must have at least 500 adherents in each city in which they wish to be registered.

This restriction also has caused problems for a number of minority religions, including the Baha'i Faith, which was registered by the Government in 1994 only to be deregistered in 1997 when the threshold was raised to 500 adherents. Members of the Baha'i Faith have been prevented from conducting services since 1997 and, in 1997 and 1998, were questioned by internal security representatives for holding private prayer meetings in their homes. Although the local Baha'i community in Ashgabat was able to open its center for 1 day in March 1999 to celebrate the Faith's Nowruz (spring) holiday, this year the community believed that they would not be permitted to open for Nowruz and therefore did not request permission to open. However, the local Baha'i community in Ashgabat was able to conduct a memorial service at a local restaurant in January. In January 1999, the Armenian community in Turkmenbashi applied to local authorities to use a church appropriated during the Soviet era as a cultural center pending registration as a religious organization; however, at year's end, it had not yet received a response from the

Government. The Halk Maslahaty (People's Council) had not yet reduced the 500 person threshold by year's end.

Although the law protects freedom of religion, the Government states officially that proselytizing by unregistered religions—i.e., everything other than Sunni Islam and Orthodox Christianity—is illegal. Government permission is required for any mass meetings or demonstrations for religious purposes. The Government also restricts the travel of clergy or members of religious groups to the country. Islamic religious literature is distributed through the mosques. Orthodox churches are permitted to offer religious literature. Unregistered religious groups face government harassment if they attempt to meet or distribute religious literature. In March border officials confiscated religious materials being brought into the country in bulk by a visiting group affiliated with an evangelical Christian organization.

In August 1999, Shageldi Atakov, a prominent member of the Baptist faith, was sentenced to 4 years in prison and fined \$12,000 (686 million manats)—an astronomical sum considering average wages in the country amount to \$30 (approximately 156,000 manats) a month—for an alleged illegal transfer of automobiles in 1994 that Atakov denied. On February 3, the local Committee of National Security (KNB) chief reportedly expelled Atakov's wife and children from Mary to Kaakha, where they were told not to leave the town (see Section 1.d.). In March the Government arrested Atakov's brother Chariyar on unknown charges and imprisoned him for 15 days. Credible press reports indicate that a series of efforts to intimidate Baptist congregations throughout the country took place at the beginning and end of the year, including raids of homes and confiscation of religious materials. In March the authorities forcibly returned to Russia three Baptist preachers and their families who had been living in Ashgabat and Mary (see Section 1.d.). At year's end, there were many reports of Baptist churches in several cities having been harassed by the Government.

The Government also harassed Pentecostals. On February 4, law enforcement authorities reportedly beat the Pastor and confiscated religious materials at a Pentecostal facility in Tejen. On February 6, agents from the KNB broke up a service at a Pentecostal house of worship in Ashgabat and recorded the names of all those present.

Muslims were also the target of mistreatment. In March the Government arrested religious leader Hoja Ahmed Orazgylychev and tore down an unregistered mosque and religious school run by him and his followers. President Niyazov ordered that all copies of Orazgylychev's Turkmen translation of the Koran be burned. Orazgylychev subsequently was released and sentenced to internal exile (see Section 1.d.). He earlier had criticized President Niyazov for directing that Turkmen children dance around a Christmas tree during New Year's celebrations (see Sections 1.d.).

In April President Niyazov ordered that Muslim madrassahs and other religious schools be closed and that only two such schools, functioning under the auspices of the government-controlled Muftiyat, be allowed.

The President ordered the implementation of new procedures restricting searches of private homes in April, which the legislature approved in June (see Section 1.f.). The period following these measures reportedly saw a significant reduction of police harassment of some religious believers in their private homes and a reduction in the confiscation of religious property during the summer. However, there was an increase in such activity during the last 4 months of the year.

In October KNB officials detained Seventh Day Adventist pastor Pavel Fedotov at a Bible reading in Turkmenabad and charged him with holding an unsanctioned meeting and confiscating videotapes; he was released several days thereafter. In November four Protestants were reportedly tortured by police because of their religious affiliations, and at least three of them had their homes and cars confiscated after being forced to sign a statement saying that they had voluntarily donated all they owned as a gift to the President (see Section 1.c.). Police continued to detain and harass the Protestants after the initial incident.

The Seventh Day Adventist congregation in Ashgabat, whose church was demolished on short notice in November 1999 as part of a Government urban clearing project, has received neither compensation nor alternative premises for worship.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government imposes restrictions both on freedom of movement within the country and on travel abroad. The Government has tightened restrictions on travel to border cities and regions, having declared large parts of the country closed. Throughout the year, the President repeatedly told the Ministry of Foreign Affairs to maintain control over foreigners in the country. Citizens still carry internal passports. These documents are used primarily as a form of identification, rath-

er than as a means of controlling movement. Residence permits are not required, although the place of residence is registered and noted in passports.

The Government uses its power to issue passports and exit visas as a means of restricting international travel. Any citizen who wishes to visit a foreign country must obtain an exit visa, which can take up to 5 weeks to process. Although not new, this policy became more onerous in June 1999 when the country withdrew from the visa agreement of the Commonwealth of Independent States. The official reason given by the Government for this action was to secure the country's borders against foreign criminal elements. Most citizens are permitted to emigrate without undue restriction. During the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.a.).

The government-funded Council of World Turkmen provides assistance to ethnic Turkmen abroad who wish to return to the country and apply for citizenship; however, the Government discourages immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries. Immigration of non-Turkmen from other areas of the former Soviet Union is discouraged by the unofficial policy of favoring employment of ethnic Turkmen.

The law includes provisions for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The 1997 Law on Refugees establishes the procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. The country currently provides first asylum if the person is recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). The Government has granted refugee or asylee status to some ethnic Turkmen from Afghanistan and has allowed some Tajik refugees and migrants to reside in the country. The Government cooperates with the UNHCR and other humanitarian organizations that assist refugees. There were no confirmed reports of the forced expulsion of those having a valid claim to refugee status. There have been unconfirmed reports of small numbers of refugees being forcibly returned by individual border guards; however, according to the UNHCR, there is no clear pattern of abuse or forced expulsion of refugees, with the exception of such low-level harassment.

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

Citizens have no real ability to effect peaceful change in the Government and have little influence on government policy or decisionmaking. The 1992 Constitution declares Turkmenistan to be a secular democracy in the form of a presidential republic. It calls for the separation of powers between the various branches of government, but vests a disproportionate share of power in the Presidency. In practice President Niyazov's power is absolute, and the country remains a one-man state. Despite the appearance of decisionmaking by consensus, most decisions are made at the presidential level. In his address to the Halk Maslahaty in July 1998, President Niyazov called for local councils and village leaders to have greater power and authority to deal with local issues; however, in reality even local leaders are selected and dismissed by the President. In December 1999, the Halk Maslahaty proposed, and the newly elected Mejlis (Parliament) approved, a law making an exception to the constitutionally mandated maximum of two 5-year terms for the President, but only for Niyazov, as the country's first president, conferring on him a lifetime term in office.

In November 1998, the President announced that any Turkmen citizen who would like to write to him with a complaint could do so directly. Special mailboxes were set up throughout the country and, in the first year, some 140,000 letters were received by the President. Citizens still apparently write to the President because these letters are often cited in the local media, but the numbers received during the year were not reported.

In the 1992 presidential election, the sole candidate was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. A 1994 national referendum extended the President's term to 2002, obviating the need for the scheduled presidential election in 1997. According to the official results, 99.9 percent of those voting cast their ballots to extend his term. The policy of the Democratic Party, according to its leadership, is to implement the policy of the President. In August 1999, the Government changed the national oath to require that citizens swear personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

The 50-member Mejlis routinely supports presidential decrees and has no real independence. In the 1994 Mejlis elections, no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. President Niyazov promised in 1998 that the parliamentary elections scheduled for December 1999 for a reconstituted Mejlis would be “free and fair” and conducted on a “wide democratic basis”; however, the elections were seriously flawed. Although there were at least two candidates for each Mejlis seat, every candidate was selected by the Government, and there was no open discussion of the issues. The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE declined to send an observation or limited assessment mission for the elections. In its public explanation, ODIHR cited serious concerns that the broad electoral framework in the country fell short of its OSCE commitments. The Government claimed that 98.9 percent of eligible voters participated. Diplomatic observers noted many empty polling stations, extensive use of mobile ballot boxes, and numerous instances of family voting.

There are no legal restrictions on the participation of women or minorities in the political process; however, women are underrepresented in government and politics. Thirteen members of the 50-member Mejlis are female, although women constitute over 50 percent of the population. Women serve in the following positions: Minister of Textiles, Prosecutor General, Chief of Presidential Protocol, Deputy Minister of Health, Deputy Minister of Social Welfare, Deputy Minister of Education, Deputy Minister of Economy and Finance, and Deputy Chairman for Textiles and Foreign Trade. No women serve as provincial governors. Minorities are represented in the Government, although preference is given to ethnic Turkmen. The Mejlis consists of 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Uzbek.

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

There are no local human rights monitoring groups, and government restrictions on freedom of speech, press, and association would preclude any effort to investigate and criticize publicly the Government's human rights policies. Several independent journalists based in Russia report on these issues in the Russian press and have contact with international human rights organizations. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights issues.

In January 1999, President Niyazov signed a decree establishing a human rights commission that he heads. The commission oversees the work of law enforcement agencies, the military, and the judiciary, but it appears to have little real authority. The commission is subordinate to the National Institute for Democracy and Human Rights under the President, which has been in operation since 1997. Its mandate is to support the democratization of the government and society and to monitor the protection of human rights. The Institute maintains four full-time staff members to receive and resolve citizen complaints of arbitrary action. Of the 2,590 complaints received during the year, some 35 percent concerned appeals, pardons, and abuses by law enforcement officials; 10 percent dealt with social and economic problems; and 24 percent concerned housing. The remainder were in the miscellaneous category. In general the Institute conducts a study of the complaint and returns its findings to the individual and the organizations involved. However, the Institute is not an independent body, and its ability to obtain redress is limited by government interests.

In January 1999, the OSCE opened an office in Ashgabat. There was no further progress on negotiations on a memorandum of understanding between the Government and the OSCE.

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

The Constitution provides for equal rights and freedoms for all, independent of one's nationality, origin, language, and religion. It further specifies equal rights before the law for both men and women. There is no legal basis for discrimination against women or religious or ethnic minorities. However, cultural traditions and the Government's policy of promoting Turkmen nationalism limit the employment and educational opportunities of women and nonethnic Turkmen.

Women.—Anecdotal reports indicate that domestic violence against women is common, but no statistics are available. The subject is not discussed in society. There are no court cases available and no references to domestic violence in the media. One unofficial group to support battered women operates in Ashgabat.

Women are underrepresented in the upper levels of state-owned economic enterprises and are concentrated in the health care and education professions and in

service industries. Women are restricted from working in some dangerous and environmentally unsafe jobs. Under the law, women enjoy the same inheritance and marriage rights as men. However, in traditional Turkmen society, the woman's primary role is as homemaker and mother, and family pressures often limit opportunities for women wanting to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favor men over women.

There is only one officially registered women's group, which is headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. The Government has no program specifically aimed at rectifying the disadvantaged position of women in society, as it does not acknowledge that women suffer discrimination.

Children.—The Government's social umbrella covers the welfare needs of children. The Government has not taken effective steps to address the environmental and health problems that have resulted in a high rate of infant and maternal mortality. In September 1999, the Government cut the number of years of basic education from 10 to 9 years; however, children now in their eighth, ninth, or tenth year of education will be unaffected. There is little difference in the education provided to girls and boys. Education is free and compulsory.

Class sizes in the country are increasing rapidly, facilities are deteriorating, and funds for textbooks and supplies are decreasing. In September the President called for a reduction in the number of teachers by 10,000 before the end of the year. Educators are concerned that this will further exacerbate crowded classrooms, overwork teachers, and further reduce the quality of education in the country. The ostensible reason for the reduction is to increase salaries for the remaining teachers. However, past similar promises have been unfulfilled, and teachers are routinely paid 2 to 3 months late. In 1998 the Ministry of Education (MED) increased the number of students per class from 30 to 45. Wages for teachers and administrators are in arrears in many districts; this, added to the fact that salaries are low, has caused some teachers to leave the field and seek jobs in the private sector, leaving classrooms overcrowded.

Bribery has become a main component of the admission process at prestigious departments in universities. Although officially free, admission to many faculties at Turkmen State University in Ashgabat reportedly costs between \$2,000 and \$4,000. Paying bribes for good grades is also a common practice. Furthermore, the MED has discouraged schools from having contacts with NGO's and international organizations.

There is no societal pattern of abuse against children. However, during the annual cotton harvest, some schools in agricultural areas are closed and children as young as 10 years of age work in the cotton fields for up to 2 months (see Sections 6.c. and 6.d.).

People with Disabilities.—Government subsidies and pensions are provided for those with disabilities, although the pensions are inadequate to maintain a decent standard of living. Those capable of working generally are provided with jobs under still valid preindependence policies that virtually guarantee employment to all. According to existing legislation, facilities to allow access by the disabled must be included in new construction projects. However, compliance is inconsistent and most older buildings are not so equipped. Care for the mentally retarded and mentally ill is provided on the local level. Mentally retarded and mentally ill children are placed in boarding schools, with educational and future employment opportunities if their condition is mild. The psychological hospital in Bekrova and the psychological clinic in Gok Tepe were closed over the past year. To compensate a psychiatric hospital was opened in Dashoguz for those in need of in-patient care. There is also a hospital for the criminally insane in Lebap Velayat. Out-patient facilities exist in Ashgabat, Yoloten, and Tedjen. In theory patients receive food, clothing, and medical care at in-patient facilities but in practice, supplies are inadequate and services are poor.

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights and freedoms for all citizens. Turkmen comprise approximately 77 percent of the population of about 5.2 million; Uzbeks, 9 percent; and Russians, 7 percent. There are smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. Since independence the country has not experienced ethnic turmoil.

As part of its nation-building efforts, the Government has attempted to foster Turkmen national pride, in part through its language policy. The Constitution designates Turkmen as the official language, and it is a mandatory subject in school, although it is not necessarily the language of instruction.

The Constitution also provides for the rights of speakers of other languages to use them. While Russian remains in common usage in commerce and in everyday life,

the Government has intensified its campaign over the past year for official business to be conducted solely in Turkmen. Some high-ranking government officials have been publicly criticized by the President for their failure to speak Turkmen. In accordance with his wishes, Russian language usage in newspapers has been cut back sharply during the past few years (see Section 2.a.). In June 1999, the Government switched one of the Russian language daily newspapers to Turkmen and reduced daily Russian news broadcasts on state-run television to 30 minutes. In October 1999, the state radio ceased entirely its daily 15-minute Russian language news broadcast. During the year, there were no Russian language radio broadcasts and only 15 minutes of news in Russian on television each day. Nonethnic Turkmen employees at government ministries reportedly were given until December 1999 to learn Turkmen, and there have been reports that some government employees, such as doctors and teachers, have been dismissed from their positions because they failed to learn the language. The most prominent example was the rector of the Polytechnical Institute in Ashgabat, who was dismissed from his position in 1999 for his inability to speak Turkmen.

Non-Turkmen fear that the designation of Turkmen as the official language places their children at a disadvantage educationally and economically. They complain that some avenues for promotion and job advancement are no longer open to them. Only a handful of non-Turkmen occupy high-echelon jobs in the ministries, and there are reports that managerial positions were closed to non-Turkmen. As a result of these restrictions, more and more ethnic Russians view their situation in the country as deteriorating and are seeking Russian citizenship.

Section 6. Worker Rights

a. The Right of Association.—Turkmenistan inherited the Soviet system of government-controlled trade unions. There are no legal guarantees entitling workers to form or join unions. The Colleagues Union is the only legal central trade union federation permitted, and it claims a membership of 1.3 million; its member unions are divided along both sectoral and regional lines. Unions may not form or join other federations.

While no law specifically prohibits the establishment of independent unions, there are no such unions, and no attempts were made to register an independent trade union during the year.

The law neither prohibits nor permits strikes and does not address the issue of retaliation against strikers. Strikes are extremely rare and no strikes were known to have occurred during the year.

There is no information available on union affiliation with international unions. The country joined the International Labor Organization in 1993.

b. The Right to Organize and Bargain Collectively.—The law does not protect the right to collective bargaining. In practice in the state-dominated economy, the close association of both the trade union and the state-owned enterprise with the Government seriously limits workers' ability to bargain, and workers often go months without pay or receive their paychecks late.

The Ministry of Economics and Finance prepares general guidelines for wages and sets wages in health care, culture, and some other areas. In other sectors, it allows for some leeway at the enterprise level, taking into account local factors. The Government determines specific wage and benefit packages for each factory or enterprise.

The law does not prohibit antiunion discrimination by employers against union members and organizers, and there are no mechanisms for resolving such complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution prohibits forced labor; however, there were unconfirmed, anecdotal reports of trafficking in women (see Sections 5 and 6.f.) and reports of prisoners being forced to work in a kaolin mine in Kizlkaya prison, near Dashoguz, under hazardous and unhealthy conditions (see Section 1.c. and 2.b.). The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of children who work in cotton harvesting in rural areas (see Section 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday is 8 hours).

A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely is granted. Violations of child labor laws occur in rural areas during the cotton harvesting season, when teenagers

work in the fields and children as young as 10 years of age sometimes help with the harvest.

The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas (see Section 5 and 6.c.).

e. Acceptable Conditions of Work.—There is no minimum wage. In December 1999, the Government raised the average wage in the state sector to approximately \$77 (400,000 manats) per month at the official rate. While the Government subsidizes the prices of many necessities and provides others free of charge, this wage falls short of the amount required to provide a decent standard of living for a worker and his or her family. Most households are multigenerational, with several members receiving salaries, stipends, or pensions. Even so, many people lack the resources to maintain an adequate diet, and meat is a luxury for most citizens.

The standard legal workweek is 40 hours with 2 days off. Individuals who work fewer hours during the week or are in certain high-level positions may also work on Saturdays.

The country inherited from the Soviet era an economic system with substandard working conditions—one in which production took precedence over the health and safety of workers. Industrial workers often labor in unsafe environments and are not provided proper protective equipment. Some agricultural workers are subjected to environmental health hazards. The Government recognizes that these problems exist and has taken some steps to address them, but it has not set comprehensive standards for occupational health and safety. Workers do not always have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—There are unconfirmed, anecdotal reports of women from Turkmenistan traveling to Turkey and the United Arab Emirates (U.A.E.) and working as prostitutes, especially before the U.A.E. tightened its entry visa requirements for young women over the past few years. The Government does not have programs in place to combat trafficking in persons, but cooperates in educational efforts on this topic. In November 1999, the Government and the International Organization on Migration hosted a 1-day seminar on illegal migration during which trafficking in women was discussed in detail.

UKRAINE

Ukraine is governed by a directly elected president and a unicameral parliament, the Verkhovna Rada (Supreme Council), which is elected partially according to proportional representation and partially by direct constituency mandate. Incumbent President Leonid Kuchma was reelected after two rounds of voting on October 31 and November 14, 1999. There were some irregularities during the election campaign and during the balloting, including those cited in the March 7 final report of the Office for Security and Cooperation of Europe/Office of Democratic Institutions and Human Rights (OSCE/ODIHR) which stated that the presidential elections of October and November 1999 “failed to meet a significant number of the OSCE election related commitments.” However, almost all observers agreed that the election results reflected the will of the electorate. Despite numerous flaws and irregularities, previous national elections in 1998 and 1994 also generally reflected the will of the electorate. The President appoints the Cabinet and controls government operations. In an April referendum, which observers described as flawed in several respects but probably reflected the will of the people, voters approved several changes to the Constitution which would expand presidential powers and increase executive branch influence over Parliament. The Constitutional Court later struck down two of the six proposed amendments; however, constitutional changes had not been implemented by year’s end. The Constitution mandates an independent judiciary; however, the courts are funded through the Ministry of Justice, are subject to political interference and corruption, and are inefficient.

The Security Service of Ukraine (SBU), the Ministry of Internal Affairs (which controls the various police forces), and the Ministry of Defense have equal responsibility for internal security and report to the President through the Cabinet. The State Tax Administration also has law enforcement powers, which it exercises through the tax police. The armed forces largely have remained outside of politics. While civilian authorities generally maintain effective control of the security forces, institutional government corruption sometimes can lead to their improper use. The SBU and other government agencies have interfered indirectly in the political proc-

ess through criminal and tax investigations of politicians, journalists, and influential businessmen. Members of the security forces committed human rights abuses.

Ukraine is making a difficult transition from a centrally planned to a market-based economy. The private sector has continued to grow and now represents a substantial portion of the economy. For the first time since independence, the country experienced economic growth (5 percent). Nevertheless, the country remains in a serious economic crisis. While the Government made some progress in key areas such as privatization, energy, and the state budget, the country lacks many of reforms needed to generate sustainable economic growth. Industrial output has suffered years of sharp decline. A 1999 presidential decree on agricultural reform led to a break-up of the Soviet-era state farm system. Legislation enabling the granting of land titles was passed; however, the property rights of former collective farm workers are weak and poorly defined. Production in key areas such as wheat was unreliable. The summer grain harvest was the worst since 1945, but the winter crop was the best in years. According to official statistics, about half of the work force is employed formally in manufacturing, with the balance divided between services and agriculture; however, in reality many industrial enterprises have reduced or stopped production. Exports are diversified and include metals, chemicals, sugar, and semi-finished goods. The annual per capita gross domestic product for the year was approximately \$669. However, millions of employees go months without being paid, and most individuals derive a significant proportion of their income from the shadow economy. Inflation was 19 percent during the first half of the year, but averaged less than 0.5 percent per month since June. Investment remains at low levels, with many potential investors discouraged by rampant corruption, onerous taxation, and arbitrary licensing practices. Unemployment has affected women disproportionately; 56 percent of those officially registered as unemployed are women. Wealth is concentrated in the political elite and among directors of state-dominated sectors such as metals, oil, and gas.

The Government's human rights record was poor in some areas; however, the Government continued to respect the rights of its citizens in other areas. In previous years, police and military committed extrajudicial killings; however, there were no reports of such incidents during the year. A prominent journalist disappeared in September. In November a decapitated body believed to be his was found. Later that month, a prominent political opponent accused the President of complicity in the disappearance. Those charges have not been proved or disproved. The Government asserted that it is investigating the journalist's disappearance and conducting tests to determine the identity of the corpse; however, the case remains unsolved at year's end, and the authorities' poor handling of the investigation proved a source of great concern. Police and prison officials regularly tortured and beat detainees and prisoners, sometimes resulting in death. The beating of conscripts in the army by fellow soldiers was common and sometimes resulted in death. Prison conditions are harsh and life-threatening. There were instances of arbitrary arrest and detention. Lengthy pretrial detention in very poor conditions was common, and detainees often spent months in pretrial detention for violations that involved little or no prison time if convicted. Long delays in trials are a problem. The Government rarely punishes officials who commit abuses. The SBU, police, and Prosecutor's Office have drawn domestic and international criticism for their failure to take adequate action to curb institutional corruption and abuse in the Government. Many high-profile corruption cases have been dropped, ostensibly because of lack of evidence. Anticorruption legislation has been enforced selectively, mostly against government opponents and low-level officials. Political interference and corruption affect the judicial process. The judiciary is overburdened, inefficient, and lacks sufficient funding and staff. These factors undermine citizens' right to a fair trial. The criminal justice system has been slow to reform, due to both lack of government effort and strained economic resources. The Government continued to intrude in citizens' lives and infringe on their privacy rights. The Government interfered with the news media and restricted freedom of the press; however, a wide range of opinion is available in newspapers and periodicals. Government interference was particularly severe during the period preceding the April referendum on amendments to the Constitution that would expand presidential powers by limiting the power of the Parliament and in response to coverage of the scandal surrounding the disappearance of an opposition journalist. Self-censorship remained a significant problem. During the 1999 presidential election campaign, government authorities interfered in the election process and stepped up pressure on the media through tax inspections and other measures. The national broadcast media came under particular pressure. There were some limits on freedom of assembly, and there were some instances of restrictions on freedom of association. Limitations on nonnative religious organizations constrained freedom of religion. The Government took steps to return to religious

groups properties expropriated during the Soviet era. It returned two churches that were rebuilt with government funds. Some limits on freedom of movement, most notably the registration or "propiska" system, remained. The Government took steps to support the return and resettlement of exiled Tatars in Crimea. As many as 10 elected mayors from several regions reported government harassment stemming from their lack of support for President Kuchma during the 1999 presidential campaign. The SBU monitored the activities of nongovernmental organizations (NGO's) during the year. Violence and discrimination against women; violence against children; societal anti-Semitism; and discrimination against religious, racial, and ethnic minorities are problems. The Government discourages some workers from organizing unions, and forced labor in the form of trafficking in women and girls for sexual exploitation is a significant problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political killings by government agents. In previous years, members of the police and military committed extrajudicial killings; however, there were no reports of such incidents during the year.

There were reports in previous years that police beat persons at alcohol corrective treatment centers and sometimes killed them (see Section 1.c.).

Members of the armed forces killed soldiers during violent hazing incidents in previous years (see Section 1.c.). According to a government official, in 1998 10 to 12 military personnel were beaten to death, and a total of 20 to 30 died as an indirect result of injuries sustained from hazing.

Abuse of prisoners and detainees, and harsh prison conditions, sometimes led to death (see Section 1.c.). Statistics on prison deaths for this year were unavailable. In 1998 there were 1,901 deaths in prison and detention facilities, many due to harsh conditions.

The pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, and journalists have been the victims of possibly politically-motivated—and sometimes fatal—attacks. There were allegations of government involvement in the disappearance and presumed death of opposition journalist Heorhiy Gongadze; however, those charges have not been proven (see Section 1.b.).

No official statistics for contract killings during the year were available.

The Government made no known progress in resolving a number of the high profile killings of past years. No progress was made in solving the 1999 murder of the security chief of the independent television station STB or the 1999 killings of the chairman of the regional arbitration court Borys Vihrov and the director of local television station Igor Bondar in Odessa. The Government also made no known progress in resolving the 1998 murders of former director of the national bank Vadym Hetman, deputy head of the Crimean government Aleksandr Safontsev, the mayor of Shakhtersk, or the campaign manager of a Kiev mayoral candidate. Nor was there any progress in resolving the 1997 murders of the governor of the Razoolnensky district, the Crimean deputy minister for tourism and resorts, the murder of prominent businessman Arkadiy Tabachnyk, or the bombing of the intensive care unit in Simferopol. In May police arrested a suspect in the 1995 killing of Member of Parliament Yevhen Shcherban.

b. Disappearance.—On September 16, prominent journalist Heorhiy Gongadze disappeared. Gongadze was the editor of the on-line news journal *Ukrainska Pravda* and was a frequent critic of both the Government and leading business figures. In a July open letter addressed to the Prosecutor General, he complained of government harassment, including being followed and questioned by security forces. In early November, police found a decapitated body outside of Kiev, which Gongadze's friends and family believed was that of the missing journalist. The Government asserted that it is conducting a full-scale investigation of his disappearance. The body was sent to forensic experts for examination, yet no positive identification was made by year's end—authorities did not begin the process of conducting a DNA test until mid-December. On November 28, the leader of the Socialist Party, Oleksandr Moroz, accused the President and other senior government officials of complicity in the disappearance of Gongadze. He also released audio tapes purporting to be conversations between the President, his Administration Chief Volodymyr Lytvyn, and Minister of Internal Affairs Yuri Kravchenko discussing the desirability of Gongadze's abduction. The tapes, provided by a former Presidential security guard, were not authenticated officially by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police and prison officials regularly tortured and beat detainees and prisoners, and there were numerous reports of such abuse. Amnesty International (AI) and other human rights groups continued to receive regular reports that Berkut (special militia units or riot police) troops tortured and beat inmates as part of regular training exercises. The media reported that police subjected detainees to the “swallow,” in which the detainee is placed on his stomach and his feet are tied to his hands behind him, forcing his back to arch. Another abuse is the “baby elephant,” in which a gas mask is placed on the prisoner’s head and the flow of oxygen slowly reduced. Detainees also were subjected to a method called the “monument,” in which a prisoner is suspended by his hands on a rope and beaten. Requesting an attorney often leads to a worse beating, and detainees may be beaten until they waive their right to an attorney. There is no effective mechanism for registering complaints about mistreatment or for obtaining redress for such actions. Prisoners may address complaints to the Ombudsman, and that office has received widespread reports of torture in pretrial detention. However, the Ombudsman has no enforcement authority, and the Government made little effort during the year to end such practices or to punish officials who committed or abetted such abuses. According to the Office of the Ombudsman, most of the complaints that it received centered on human rights violations by law enforcement personnel. In 1999 the Ombudsman was criticized for failing to investigate whether special police units beat prisoners during regular exercises in jail. During the year, the Ombudsman made the treatment of prisoners a priority and investigated conditions in at least two prisons. On December 1, 1999, the Parliament passed an amendment to the Criminal Code that prescribes up to 15 years’ imprisonment for torture. However, human rights monitors reported little difference in the treatment of prisoners since adoption of this law.

Police also abused Roma, particularly in the Transcarpathian region, and harassed and abused dark-skinned persons (see Section 5). Police also harassed journalists and refugees (see Sections 2.a. and 2.d.). Police corruption also remained a serious problem.

Reports continued of harsh conditions and violence against conscripts in the armed forces. Senior officers reportedly required malnourished recruits to beg for food or money. Senior conscripts often beat recruits, sometimes to death (see Section 1.a.). Punishment administered for committing or condoning such activities did not serve as an effective deterrent to the further practice of such abuses. Between 1991 and 1998, 450 soldiers were convicted of violent harassment of their colleagues; approximately 200 military personnel were prosecuted in 1998 for violent hazing (10 to 12 conscripts were beaten to death, and 20 to 30 died from injuries related to hazing).

Some politically active individuals were wounded in violent attacks. In February unknown assailants beat parliamentarian Oleksandr Yeliashkevych near a hotel where several Members of Parliament live. Five suspects were charged in the October 1999 bombing in which presidential candidate Natalia Vitrenko was wounded slightly, and more than 30 others were injured. No progress was reported in resolving the April 1999 wounding by gunshot of Kiev municipal government official Mykola Pidmogylny or the November 1999 shooting of Vinnytsia Mayor Dmytro Dvorkis.

Members of the press were hurt in violent incidents throughout the year. In July Anatoliy Zhuchynsky, a reporter for the Vinnytsia newspaper 33 Channel, was assaulted outside his home. He linked the attack to his political reporting. In August two men assaulted Valentyna Vasychenko, a reporter for the Cherkassy newspaper Antenna, in the stairway outside her apartment. She attributed the attack to her coverage of criminal groups. In September Nikolay Severin, an editor of an independent paper in Luhansk, was attacked by brick-wielding assailants outside his home. He blamed the assault on his critical reporting.

No progress was made in resolving the 1999 firebombing of the office of the Tatar Assembly Mejlis in Simferopol or the 1999 bombing of the office of the Communist Party leader Leonid Hrach in Simferopol. Accusations by opposition presidential candidate Marchuk linking the presidential administration to a false bomb threat that disrupted a 1999 meeting between Marchuk and local residents were never proven.

In 1998 the Government created a penal department to oversee reform of the penal system and to serve as the administrative center of the penal system. The new department originally was placed under the oversight of the Ministry of Interior, but it was given the status of an independent government agency by presidential decree in 1999. However, human rights groups report that this change in

status has not affected its practices. The Government failed to punish prison and police officials who committed or condoned violence against prisoners.

There was no improvement during the year in prison conditions, which are harsh, life-threatening, and do not meet minimum international standards. Prison officials intimidated and mistreated inmates. Due in part to the severe economic crisis, prisons and detention centers were severely overcrowded and lacked adequate sanitation and medical facilities. According to official statistics, funding for prisons decreased by almost 14 percent over the last 3 years. During the year, the Government announced a general amnesty for 34,800 inmates intended to relieve overcrowding. Because the country lacks a well-developed system of suspended sentences, and the law does not differentiate between misdemeanors and felonies, at least one-third of inmates were convicted of only minor violations.

Conditions in pretrial detention facilities routinely failed to meet minimum international standards. Inmates sometimes were held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. Overcrowding is common in these centers. For example, the pretrial detention center in Kiev, houses 3,500; it was constructed to hold 2,850 persons.

According to official sources, information on the physical state of prison walls and fences as well as pretrial detention blocks is considered to be a government secret. However, the press reported freely about harsh prison conditions. In 1998 there were 1,901 deaths in prisons and detention facilities, which was more than 3 times the death rate of the general population. Poor sanitary conditions result in deaths from diseases such as tuberculosis and dysentery. There are frequent incidents of murder by fellow inmates and suicide.

Conditions in the Interior Ministry's Corrective Labor and Treatment Centers for Alcoholics (LTP's), where violent alcoholics are confined forcibly by court decision, differ little from those in prisons. Virtually no treatment is available. According to statistics from March, 12 LTP's with some 3,000 inmates continued to operate. Although some centers were transferred to the Health Ministry during the year, the Government had not lived up to its earlier commitment to transfer all of the LTP's to the ministry. Police have the right to take forcibly any person appearing drunk in public to special sobering centers. Human rights groups reported cases of police mistreatment, robbing, or beating of detainees at such centers (see Section 1.a.). In August 1999, the Government issued a decree directing the closure of such centers by the end of this year; however, some centers remained open at year's end.

The Government continued to allow prison visits from human rights monitors; however, these monitors reported that it can be difficult to obtain access to prisons. Cases were reported in which prisoners were not permitted correspondence and family visits were allowed only once per year. Prisoners may complain to the Ombudsman about the conditions of detention, but human rights groups reported that inmates were punished for initiating complaints.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remain problems. The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The Constitution stipulates that only courts may issue arrest warrants, but under its transitional provisions, the Prosecutor's office retains the right to issue search and arrest warrants until 2001. The maximum period of detention after charges have been filed is 18 months, but the law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires immediate notification of family members concerning an arrest, but this action often is not taken in practice.

By law a trial must begin no later than 3 weeks after indictment, but this requirement rarely is met by the overburdened court system. Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases can take years to go to trial. Although the 1996 amendment to the Criminal Procedures Code provides for bail, it is used rarely. Restrictions on travel outside a given area sometimes are employed. Accused persons usually are held without bail in pretrial detention for several months. As of October, there were 228,000 prisoners, 48,000 of whom were persons held in pretrial detention. The Constitution provides compensation for unlawful or arbitrary arrest, detention, or conviction, but there are no known cases in which this provision was invoked. Reports indicated that this inaction is a result of lack of faith in the judiciary rather than the absence of unlawful or arbitrary detentions.

The law stipulates that a defense attorney be provided without charge to the indigent from the moment of detention or the filing of charges, whichever comes first. There are insufficient numbers of defense attorneys to protect suspects from unlawful, lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system exists in principle, public attorneys often

refuse to defend indigents for the low government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups reported that the client-attorney privilege occasionally was denied by prison or investigative officials. To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures. However, many persons remained unaware of these safeguards.

The Government occasionally charges persons who are openly critical of the Government (usually opposition politicians or editors and journalists from the opposition press) with criminal libel or tax evasion charges (see Section 2.a.). In August Oleksandr Tymoshenko, the husband of then-Deputy Prime Minister Yulia Tymoshenko, and a business associate were arrested on charges of embezzlement of state funds. Tymoshenko's efforts to reform the energy sector had drawn strong opposition, most notably from powerful businesspersons closely tied to the Government. Although the investigation of the men reportedly was underway for some time, some observers believed that timing of the arrests was intended to pressure Tymoshenko.

In May 1999, police officers in Mukachevo detained some 70 persons, primarily Roma, in a local market for illegal trading. The detainees were held without charges for 2 days and forced to perform manual labor for police officers. In July 1999, three Romani women were detained for failing to produce identification. They were ordered to clean the police station but they were released when a leader of a Romani NGO intervened on their behalf. There were no reports of incidents targeting Roma during the year.

Police also arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Official corruption is widespread. The Government apparently enforced anticorruption statutes selectively for political ends. While anticorruption statutes were applied increasingly against lower-level officials, such enforcement reportedly is lacking against high-level officials. In 1999 Vasylkiv Mayor Valeriy Popovych was detained briefly on corruption charges after complaining of government harassment due to his support for opposition candidate Moroz during the October 1999 presidential election. Charges against Popovych were dropped in January; however, in February he resigned his post under pressure from regional authorities. In 1999 a number of persons arraigned on criminal and corruption charges claimed that they were victimized because of their support for the former Prime Minister, who is currently on trial abroad for money laundering, and government opponent Pavlo Lazarenko. Former government officials Petro Shkudun, Mykola Syvulsky, and Vasyl Koval claimed that their cases were motivated politically due to their links to Lazarenko. In December 1999, Koval was sentenced to serve five years in prison on corruption charges. In June Syvulsky again was arrested on corruption charges while serving as an aide to former Deputy Prime Minister Tymoshenko, who had been associated with Lazarenko.

The Government does not employ forced exile.

e. Denial of a Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary is subject to considerable political interference from the executive branch and also suffers from corruption and inefficiency. The courts are funded through the Ministry of Justice, which allows the Government to influence the judicial process. The presidential administration also reportedly continues the old Soviet tradition of weighing in by telephoning justices directly.

The establishment of an independent judicial system provided for in the Constitution still awaits the passage of implementing legislation. As a result, the judiciary continues to operate according to Soviet principles. Most judges and prosecutors were appointed during the Soviet era, and court officials are attuned closely to the Government's interests. The High Judicial Council, which approves the appointment of and disciplines judges, consists primarily of senior executive branch representatives, including the Prosecutor General and the Chairman of the State Security Service. Human rights lawyers claimed that the judiciary was not free from government influence, particularly at the regional and local levels. For example, court chairmen are appointed directly by the executive and wield considerable influence over the outcome of a case through case assignments, the control of staff and promotions, and the control of social benefits available to judges. Court chairmen reportedly deliberately overburden independent-minded judges with too many cases and then instigate disciplinary actions against them for not completing their case-

work. There are credible reports that court chairmen regularly followed executive instructions. The Ministry of Justice and court chairmen also controlled judges' housing. Judges whose rulings were not in accord with the executive branch were provided with apartments far from city centers or are ignored altogether when new apartments became available.

The judiciary lacks sufficient staff and funds, which engenders inefficiency and corruption. The court system receives all its funding from the Ministry of Justice. Budgetary funds allocated by the Government in 1999 covered only half of the judiciary's requirements for the year; funding levels for the year were said to be similarly inadequate. In 1999 the Supreme Court challenged in the Constitutional Court the legality of the Government's practice of arbitrarily limiting the judiciary's budget. In its petition, the Supreme Court complained that the district courts received only 51 percent of required funding, military courts 33 percent, and oblast courts 62 percent. In 1999 the Constitutional Court ruled that the Government's practice of limiting the judiciary's budget was unconstitutional. This attempt by the Government to cut the judiciary's budget, and similar attempts in recent years, demonstrated clearly the dependence of the court system on the executive and the Government's willingness to make use of that dependence.

The authority and independence of the judicial system also are undermined by the poor record of compliance with court decisions in civil cases. Provisions calling for criminal punishment for noncompliance with court decisions rarely are used. Compliance is particularly poor if the decision clashes with government interests. The Prosecutor General, the head of the Supreme Court, the chairmen of regional courts, and the chairmen of the Kiev municipal court (or the deputies of these officials) can suspend court decisions, which leads to interference, manipulation, and corruption.

Many local observers regard the Constitutional Court as the country's most independent judicial body. Human rights groups state that overall the Constitutional Court has maintained a balance of fairness. However, in March the Court ruled that the President's proposed referendum on expanding presidential authority was constitutional, although it threw out two of the six original questions. Observers believed that this decision indicated a pro-presidential bias.

There has been little progress in implementing the provisions of the 1996 Constitution that provide for a thorough restructuring of the court system, to be accomplished by June 2001, including the introduction of appellate courts. In an effort to meet the June 2001 deadline, the President established a council on judicial reform in August; however, the council has had little impact and at year's end, Parliament had not passed a new law on the judiciary. Pending the passage of the required enabling legislation, the court system still is organized along Soviet lines, with the exception of the Constitutional Court.

The court system consists of the Constitutional Court, general jurisdiction courts, and arbitration and commercial courts. General jurisdiction courts and arbitration courts are organized on three levels: district courts; regional courts; and the Supreme Court and Supreme Arbitration Court. General jurisdiction courts are divided into criminal and civil sections. Military courts only hear cases involving military personnel.

The Constitutional Court consists of 18 members, appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution, and it determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Ombudsman, and the Crimean legislature can request the Constitutional Court to hear a case. Citizens may apply to the Constitutional Court through the Ombudsman, although in practice the Ombudsman has yet to exercise this right. In some limited cases, the Constitutional Court can interpret law for individual citizens, when the applying citizen provides compelling proof that a constitutional provision is violated, or that it is interpreted differently by different government bodies. However, of some 8,000 such petitions only 4 were accepted for review as of early 1999.

Under the current court system, cases are decided by judges who sit singly, occasionally with two public assessors ("lay judges" or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public, adversarial trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some qualifications, these requirements are upheld in practice. However, implementing criminal procedure legislation establishing juries has not been adopted. Complicated cases can take years to go to trial. In the interim, defendants usually wait in pretrial detention. The 1996 amendment to the Soviet-era Criminal Procedures Code provides for bail, but to date it has been used rarely (see Section 1.d.).

Organized crime widely is alleged to influence court decisions. The Justice Ministry reported that in 1997 135 judges were disciplined, 22 dismissed, and 5 prosecuted for bribery. No higher court judge has been disciplined to date. Criminal elements routinely use intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives. However, the unit has not yet been formed, and trial participants are vulnerable to pressure. There is a witness protection law, but it is in abeyance because of lack of funding. Under a law adopted in March, the names and addresses of victims and witnesses can be kept confidential, if they request protection due to fear for their lives.

Prosecutors, like the courts, also are organized into offices at the rayon, oblast, and republic levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the Parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General.

Although by law prosecutors and defense attorneys have equal status, in practice prosecutors are much more influential. The procuracy, in its pretrial investigative function, acts in effect as a grand jury. A prosecutor may initiate investigation through his own office or conduct investigations initiated by the Ministry of Internal Affairs or the SBU. Prosecutors also have the right to issue warrants without court approval and to suspend court decisions, thus effectively placing the procuracy above the courts in the legal hierarchy. In several cases, the procuracy has used its judicial review powers to annul court decisions unfavorable to the presidential administration's economic or political interests and ordered the case reexamined by a different court. The Office of the Prosecutor General practices selective prosecution and initiates investigations against the political or economic opponents of the President and his allies. The Prosecutor General ignores parliamentary and court requests for investigations into high-ranking persons if the accused is a presidential ally.

The Constitution considerably curtails the prosecutor's authority, limiting it to prosecution, representing the public interest in court, oversight of investigations, and implementation of court decisions. However, in the absence of new criminal and criminal procedure codes to implement constitutional restrictions, the transitional provisions of the Constitution permit the prosecutor's office to conduct investigations and oversee general observance of the law. In November 1997, the Constitutional Court interpreted the Procuracy Law, ruling that citizens can dispute prosecutors' decisions in court.

The Constitution includes procedural provisions to ensure a fair trial, including the right of a suspect or witness to refuse to testify against himself or his relatives. However, pending passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remains in place. While the defendant is presumed innocent, conviction rates have changed little since the Soviet era. Nearly all completed cases result in convictions.

According to official statistics, in the first half of 1999, there were 114,600 convictions, between 36 and 39 percent of which resulted in prison sentences. A total of 494 defendants were acquitted, which is an increase of 11 percent from the corresponding period in 1998. In the first half of the year, there were 113,902 convictions and 375 acquittals. However, as judges frequently send cases unlikely to end in conviction back to the prosecutor for "additional investigation" (which usually leads to the dropping of the case), these statistics are somewhat misleading. Additionally evidence indicates that suspects often bribe court officials to drop charges before cases go to trial, to lessen sentences, or to commute them.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Authorities infringed on citizens' privacy rights. Although the Constitution requires that courts issue search warrants, this provision has not yet been implemented, and prosecutors continue to issue search warrants. The SBU may conduct intrusive surveillance and searches without a warrant, with the consent of the Prosecutor General, who nominally oversees this function of the SBU. However, the extent to which the Prosecutor General utilizes his authority to monitor SBU activities and to curb excesses by security officials is unknown. The Constitution provides citizens with the right to examine any dossier on them in possession of the SBU and to sue for physical and emotional damages incurred by an investigation. However, this right does not exist in practice, because the necessary implementing legislation has not been passed.

Some remnants of Soviet control mechanisms persist. There are no probable cause statutes, and police officials and militia personnel have the right to stop persons and vehicles arbitrarily to initiate extensive document checks and vehicle inspections. In February the Ministry of Interior ordered traffic police to end the practice of stop-

ping vehicles without reason; however, the order had little effect in practice. Police may detain a person arbitrarily for up to 3 hours to verify identity. There have been reports that police sometimes abused this right.

Journalists whose news reports are critical of the Government or who covered opposition politicians reported that frequently they were followed by SBU agents and that their telephones were wiretapped (see Section 2.a.).

Under the current "propiska" registration system, all internal passports contain a stamp indicating residence and matrimonial status (see Section 2.d.). The Government has indicated its intent to eliminate the propiska system, but little progress has been made to date.

The Law on Public Organizations prohibits members of the police, SBU, and armed forces from joining political parties. Prior to the 1998 parliamentary elections, mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 2.b).

There were no reported cases of the political abuse of psychiatry; however, the press and human rights groups have reported several cases of abuse of psychiatry for economic reasons. Persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The disputes often entail the corruption of psychiatric experts and court officials. In February Parliament adopted a new Law on Psychiatry which bans abuse of psychiatry for political and nonmedical reasons and provides safeguards against such abuse. However, human rights monitors report that the law was not implemented by year's end, and the old Soviet system of classifying mental illness is still in use. Persons diagnosed with mental illness may be confined and treated forcibly, declared not responsible for their actions, and stripped of their civil rights without being present at the hearings or notified of the ruling. In the meantime, the 1988 old Soviet psychiatric regulation remains in force. There are some 1.2 million registered psychiatric patients in the country. Within 3 days after forcible confinement to a hospital, a patient must be examined by three doctors. Patients (including convicted prisoners) subsequently must be examined by the senior regional psychiatric commission within half a year. According to the Ukrainian Psychiatric Association, the Health Care Ministry has not always cooperated with human rights groups attempting to monitor abuse of psychiatry.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and a 1991 law provide for freedom of speech and of the press; however, in practice the Government interfered with the news media and restricted these rights through the widespread use of tax inspections, libel cases, subsidization of friendly media, and intimidation of journalists. In addition journalists reported feeling more subtle forms of pressure, in particular to provide positive coverage of the President, which resulted in more self-censorship. The Government owns or controls most of the national radio and television channels, which is the primary source of information for most citizens. However, there is a wide variety of newspapers and periodicals available, which espouse different political points of view, and individuals can and frequently do criticize the Government without reprisal. Though limited in readership, internet publications, in particular *Ukrainska Pravda*, played a key role in covering the disappearance of Heorhiy Gongadze and the scandal surrounding allegations of Presidential involvement in the case (see Section 1.b.). Government attempts to control the press were reported by the media.

The print media, both independent and government-owned, demonstrated a tendency toward self-censorship on matters that the Government and in particular the President deemed sensitive. Private newspapers have been established and are free to function on a purely commercial basis, although very few are profitable. However, they are subject to various pressures, such as control of access to affordable state-subsidized newsprint; dependence on political patrons who may facilitate financial support from the State Press Support Fund; close scrutiny from government officials, especially at the local level; and politically motivated visits by tax inspectors. In 1997 the President issued a decree on support of the press that requires the Cabinet to draw up a list of publications needing government support, including those published by central and local governments, public organizations, associations, unions, educational institutions, and newspaper employees. The journalistic community believed that this decree was intended to control the press by supporting loyal members. In December the President issued a decree defending freedom of the press; however, observers report it has had little impact. The dependence of much of the press on government patronage has inhibited criticism, particularly at the local level. The State Committee for Information Policy has warned some periodicals

against fomenting ethnic tensions and conducting antistate propaganda and has applied to the Prosecutor's Office to open investigations into those newspapers. In December a court in Kharkiv fined the local chapter of PROSVITA, an organization that promotes Ukrainian language and culture, and ordered it to cease publication of its newspaper on the grounds that it had published an anti-Semitic article. The case presented the first time a court has punished a publication for anti-Semitic writings.

The Committee on Protection of State Secrets enjoys broadly defined powers over all media. In 1997 the Cabinet adopted a regulation that further defined state secrets to include information on executions, the state of prisons, pretrial detention blocks, and centers for the forcible treatment of alcoholics. (The "state of prisons" refers to the physical state of the prison walls and fences, not prison conditions.) The press is able to report about harsh prison conditions without any inhibition. Journalists report that, in general, the committee has not interfered with their activities (see Section 1.c.).

The Government pressured media outlets to support an April referendum on amending the Constitution to increase presidential powers. In March the Tax Administration temporarily froze the accounts of the newspaper *Silski Visti*, (which opposed the referendum and supported Socialist candidate Oleksandr Moroz during the presidential election), and confiscated its paper stock. In September the Tax Administration fined *Silski Visti* more than \$178,000 (1 million hryvnia) for tax evasion. In October *Silski Visti* temporarily suspended publication due to heavy financial pressures. The paper resumed publication, but continued to experience financial problems.

In April the newly founded newspaper *Itogi* was subjected to eviction, disconnection of its phone lines, and tax inspections of its main investor after publishing an article critical of a senior government official. The newspaper went out of business after publishing only five issues.

The Government, both central and local, regularly targeted opposition newspapers with unannounced tax inspections or fire and building code inspections. Prior to the 1999 presidential election, the Government forced at least one opposition newspaper, *Polytyka*, to close. Government officials initiated more than 20 criminal and civil libel cases against *Polytyka's* editor, Oleg Lyashko, asking more than \$40 million (220 million hryvnia) in damages. Lyashko was acquitted in one of two criminal libel cases that charged him with slandering the President and his staff, but that acquittal was overturned in December 1999. At a December hearing, Lyashko's trial was tentatively set for January 2001. In January the State Committee for Information Policy refused to register Lyashko's new publication *Svoboda*. In February the Committee reversed its decision, and *Svoboda* began publication. However, government officials subsequently pressured Lyashko to change the tone of coverage in *Svoboda*, and the newspaper has experienced financial difficulties that prevented its regular basis publication. In March Lyashko was assaulted in the entryway to his home after publishing an article critical of an Odesa businessman. Although he initially blamed the Government, Lyashko later accused the businessman of orchestrating the attack. There has been no further investigation into the case, and no one has been charged with the assault.

The newspaper *Den*, which supported presidential candidate and former Prime Minister Yevhen Marchuk during the 1999 presidential campaign, was subjected to 25 tax inspections between January and July 1999. After Marchuk joined the Government as Secretary of the National Security and Defense Council during the year, *Den* became less critical of the Government and the repeated tax inspections ceased.

In 1999 the Parliament adopted a resolution on the media that called for investigations into all complaints of harassment of nonstate media outlets by the Tax Inspectorate, the Prosecutor General's Office, or the presidential administration. Journalists reported that the resolution had little impact.

Government officials also frequently use criminal libel cases or civil suits based on alleged damage to a "person's honor and integrity" to punish critics. Article 7 of the Civil Code allows anyone, including public officials, to sue for damages if circulated information is untrue or insults a person's honor or dignity. Article 125 of the Criminal Code prescribes imprisonment of up to 3 years for libel. There is no distinction between private individuals and public officials (except for the President), nor is there a limit to the amount of damages that may be awarded. Consequently, any journalist who publishes an article critical of a public official risks being sued for damages.

The Prosecutor General can file criminal libel charges. According to Ministry of Justice statistics, 123 persons were convicted in 1998 for criminal libel. Of these seven cases resulted in prison sentences. According to the Union of Journalists of Ukraine, journalists lose two of every three cases against them in the courts. In

1999 approximately 2,250 libel cases were filed. Exact figures for this year are not available; however, media analysts expect a similar number of cases for the year. Journalists complain that because the law does not limit damages, it can be used to drive opposition newspapers out of business.

On occasion fines were so large that accounts were frozen and equipment confiscated by the Tax Inspectorate to enforce payment. It is clear that a large number of libel and personal dignity suits are motivated politically. Moreover, even when the actions of the Tax Inspectorate are overturned by subsequent court decisions, the damage to the newspapers' finances can be irreparable. Their accounts remain frozen until all appeals are completed. Independent newspapers face further financial pressure as they try to compete with pro-presidential newspapers, which are sold at a price significantly below cost. Newspapers aligned with the presidential administration reportedly often are financed by wealthy presidential allies. The threat of multiple lawsuits for large amounts of money also was used to pressure owners of opposition newspapers to sell their shares to their political opponents.

In March the Lviv newspaper *Express*, which had been critical of the local government, was fined \$26,785 (150,000 hryvnia) for libel. Journalists and students protested the decision, and in April the regional court overturned the lower court's decision. Journalists sometimes were subjected to physical attacks related to their professional activities. Some journalists reported threats of arrest or assaults when investigating crime and official corruption (see Section 1.c.). The intermeshing of organized crime and many public officials makes it difficult to assess whether these attacks and threats were motivated politically.

Despite government pressure and media self-censorship, the variety of newspapers and periodicals on the market, each espousing the view of its respective sponsor, provides a variety of opinion. Foreign newspapers and periodicals circulate freely.

The broadcast media, the primary source of news and information for most citizens, are either state-owned or, in the case of private stations, subject to pressure from the Government, which took steps during the year to strengthen its control over this sector. In 1998 the Government transferred over state-owned broadcasting and transmission facilities from the *Derzhhteleradio* (State Committee for Television and Radio) directly to the Information Ministry (later reorganized as the State Committee for Information Policy). The President and the Parliament each appoint half of the members of the National Council for Television and Radio Broadcasting, which issues licenses and allocates broadcasting time. President Kuchma did not name his half of the eight-member board until June, after the Parliament replaced its original four members in May. In the absence of a functioning council, the Government had virtually unchallenged control over media licensing prior to the 1999 presidential election and in the lead-up to the April referendum.

Other state agencies took advantage of the lack of a working council to harass opposition stations. For example, the frequency of arbitrary tax inspections increased considerably without a working council. The State Electro-Communications Inspectorate increased the fees for broadcast frequencies tenfold in 1999 without the prior approval of the council. Fee increases disproportionately affected independent stations, since state channels were permitted to ignore payment of their frequency fees. The law entitles private and foreign companies to obtain a license to establish and operate their own transmission facilities.

Prior to the 1999 presidential election, the Government increased pressure on the broadcast media, using tax inspections and other measures, and forced at least five local television stations (four in the Crimea and one in Dnipropetrovsk) to close. Numerous sources charged that the administration continued to use government agencies, particularly the Tax Inspectorate, to pressure the opposition media and businesses supporting its political opponents. Prior to the 1999 presidential election, the independent television station *STB*, one of the more balanced and independent media outlets, faced increasing harassment by government entities. It was threatened with closure and the arrest of its owners if it did not cede financial and editorial control to presidential supporters. Its staff suffered physical assaults, threatening phone calls, robbery, and lawsuits. In August 1999, the State Tax Administration froze *STB*'s bank accounts for failure to pay sufficient taxes. By October 1999, the station was sold and had changed its news programming to take a more pro-Kuchma approach. During the 1999 presidential election campaign, several regional television outlets were taken off the air by government authorities, allegedly to prevent coverage of opposition presidential candidates. The presidential campaign saw a marked imbalance in the coverage of candidates on national television and radio channels, with opposition candidates receiving very limited and often negative coverage at the national level. Opposition candidates had more success in obtaining access to smaller local and regional television channels.

In the period leading up to the April referendum on constitutional amendments that would expand presidential powers, television coverage was overwhelmingly proreferendum and proreferendum.

There is no known government censorship of books, film, or theater.

While major universities are state owned, they operate for the most part under full autonomy. However, academic freedom is an underdeveloped and poorly understood concept. Nepotism and bribery reportedly are common during entrance exams and also influence the granting of degrees. Administrators of universities and academic and research institute directors possess the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. This atmosphere tends to limit the spirit of free inquiry. Restrictions by the Communications Ministry on the mailing of scientific documents also have caused concern.

The State Secrets Committee maintains offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research. An April 1998 presidential edict allows only government-designated contractors to provide Internet access at state institutions that have such censorship offices. Human rights groups feared that this edit may limit the freedom of information for universities and scientific research institutes. A July presidential decree identified the development of the Internet as a priority of national information policy and instructed the Government to design a state program to develop the Internet network. A 1999 presidential decree sought to require that all communication companies and Internet providers be licensed and their equipment be fitted for wire-tapping (implicitly by the security services). However, the decree was blocked by Parliament in 1999.

All private and religiously affiliated universities operated without any reported state interference or harassment.

b. Freedom of Peaceful Assembly and Association.—The Constitution and law provide for freedom of assembly, and the Government generally respects this right in practice; however, there were some instances in which this right was restricted. The 1988 law on public assembly circumscribes freedom of assembly by stipulating that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration. The Criminal Code prescribes up to 6 months in prison, 1 year of corrective labor, or a fine for repeatedly staging unauthorized demonstrations. The 1996 Constitution requires that demonstrators merely inform the authorities of a planned demonstration in advance; however, authorities insist that all demonstrations meet the restrictive requirements of the 1988 law. Under the 1988 law, demonstrators are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice unlicensed demonstrations are common, and most but not all occur without police interference, fines, or detention. There were no reports of cases of interference during the year.

Communist groups complain that the authorities failed to punish Ukrainian nationalist groups who harassed them during their demonstrations. Ukrainian nationalist groups in turn complained that the authorities do not protect them from harassment by Communist groups. On December 22, a local court ordered antipresidential protestors occupying a large square in central Kiev to vacate the area because of impending holiday celebrations. Demonstrations by the group outside of Parliament and other Government buildings also were banned. On the same day the court decision was reached, the demonstrators announced that they would dismantle all but one of the protest tents erected on the square, and would resume demonstrations after the holidays if warranted. The demonstrations ended peacefully December 23.

The Constitution, law, and government regulations restrict freedom of association to varying degrees. These restrictions generally apply to organizations that are considered dangerous, such as those which advocate violence or racial and religious hatred, or which threaten the public order or health.

A government requirement that a political party have representatives in at least half of the country's regions in order to register officially has limited the ability of Russian, Crimean, Tatar, and Romanian groups to organize (see Section 3).

The Ministry of Justice, with the Prosecutor General's consent, has the authority to warn, fine, or suspend operations of political parties for illegal operations. Suspension can be for up to 3 months and can be extended for 6 months upon the Ministry's request.

In 1998 the Constitutional Court invalidated the 1993 Crimean law on citizens' associations, thus outlawing regional Crimean parties. A 1992 law on public organizations prohibits the Government from financing or materially supporting political parties. According to this law, political parties may not receive funds from abroad

or maintain accounts in foreign banks. The law prohibits police authorities, members of the SBU, and armed forces personnel from joining political parties.

Prior to the 1998 parliamentary elections, the mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 1.f.).

Freedom of association also is restricted through a strict registration requirement that lends itself to political manipulation and corruption; however, in practice such regulations seldom are employed to restrict this freedom. Groups must register with the Government to pursue almost any purpose. The Ministries of Internal Affairs, Justice, Economy, and Foreign Economic Relations, as well as the State Committees on Religion and Broadcasting and other government bodies have registration functions and used this power to limit freedom of association (see Sections 1.d. and 2.c.).

For example, after almost a year of attempting to register as a national organization, a Luhansk-based group for the protection of gay rights, the Nash Mir Gay and Lesbian Center, succeeded in registering in November 1999. According to group representatives, local officials indicated that the group was not registered because it was a gay rights group. The group reported this year that it is functioning without problems.

Groups must be registered with the Government to engage in almost any activity, whether commercial, political, religious, or philanthropic. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entered into contracts.

The registration law gives the Government the right to inspect the activities of all registered groups. This law requires that a party specify all its activities in its charter, but the party is not required to notify authorities of all its meetings. A change in the group's charter necessitates reregistration.

A registered group may not duplicate any function or service that the Government is expected to provide. For example, human rights lawyers who wished to represent prisoners were prohibited from establishing an association because the Government is required by the Constitution to provide lawyers for the accused. However, this requirement is not always enforced. In the

mid-1990's, AI was refused registration under the pretext that human rights protection is the function of the State. It continued to apply and eventually was registered.

c. Freedom of Religion.—The Constitution and the 1991 Law on Freedom of Conscience and Religion provide for separation of church and state and the right to practice the religion of one's choice and the Government generally respects these rights in practice, with the exception of some nonnative religions, which experienced difficulties registering, buying, or leasing property. The Government generally permits religious organizations to establish places of worship and to train clergy. The Government has continued to expedite allotment of land plots for construction of new houses of worship and to return religious buildings and sites to their former owners.

Although in past years the Government's protection of religious freedom had deteriorated for nonnative religious organizations (defined as all organizations other than Orthodox, Greek Catholic, and Jewish), nonnative religions reported less difficulty in obtaining visas and registering. The Government did not discriminate against individual believers of nonnative religions; however, their organizations faced ongoing difficulty in carrying out their activities during the year. Through burdensome licensing requirements and informal means, local authorities restricted nonnative religions as well as Christian denominations other than Greek Catholic and Orthodox. The Government took steps to return properties expropriated during the Soviet era to religious groups.

A 1993 amendment to the 1991 Law on the Freedom of Conscience and Religion restricts the activities of nonnative, foreign-based, religious organizations. The amendment narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other foreign citizen representatives of foreign-based religious organizations. They may preach, minister religious ordinances, or practice other canonical activities "only in those religious organizations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization." Although the Church of Jesus Christ of Latter-Day Saints had complained in 1998 that this restriction prevented the transfer of its missionaries between cities, church leaders subsequently have not reported any difficulties in transferring missionaries between cities.

All religious organizations are required by the 1991 Religion Law to register with the State Committee on Religious Affairs. If a group chooses to register as a national organization, it must register with the central office of the State Committee

for Religious Affairs, and each of its local groups must register with the local office of the State Committee in the region where it is located. Those groups that choose to register as local organizations must register only with the regional office of the State Committee. This status is necessary to own property or carry out many economic activities, such as publishing religious materials or opening bank accounts. This process is supposed to take not more than 1 month (or 3 months in cases in which either the central or regional committee decides that an expert opinion is necessary to determine the legitimacy of a group applying for registration). However, in practice this process generally exceeds 1 month. The regional offices also supervise the compliance of religious organizations with the provisions of the law. Some nonnative religious organizations credibly reported that, especially at the local or regional levels, officials of the state committee refused to register their organizations for protracted periods, thus effectively delaying their activities and limiting freedom of association (see Section 2.b.). However, there were fewer reports than in prior years of nonnative religious groups experiencing such registration problems.

Native religious organizations, especially the Orthodox Church in the central, southern, and eastern regions of the country and the Greek Catholic Church in the west, exerted significant political influence at the local and regional levels and pressured local officials not to register nonnative religious organizations or to allow them to rent or purchase property. Each of the two dominant denominations, within their respective spheres of influence, also reportedly pressured local officials to restrict the activities of the other.

The ongoing dispute among competing Orthodox Christian administrative bodies claiming to be "the Ukrainian Orthodox Church" remained deadlocked. The Government has been unable to stop disagreements between the Orthodox believers and Greek Catholics in the western part of the country where the two communities were contentious and often engage in bitter disputes over church buildings and property in over 600 localities. The Kiev Patriarchate of the Orthodox Church complained of harassment by local authorities in the predominantly Russian-speaking eastern region of the country, while the Moscow Patriarchate of the Orthodox Church complained that local governments ignored the appropriation of its churches in the Ukrainian-speaking western region. In 1999 Patriarch Filaret of the Ukrainian Orthodox Church of Kiev Patriarchate and his followers were assaulted by supporters of the Moscow Patriarchate in Mariupol (see Section 5).

According to the State Committee for Religious Affairs, the transfer of most places of worship to their original owners according to a 1992 decree on restitution was nearing completion. In 1996 and 1997, 105 buildings were returned; in 1998, 92 were returned; and in 1999 103 were returned. About 40 buildings were returned during the first half of the year. There still were about 340 former houses of worship that were used for nonreligious purposes, but 275 of them were not claimed by religious groups. In the fourth quarter of 1999, local authorities in the oblasts of Dnipropetrovsk, Donetsk, Zakarpatia, Lviv, Mykolayiv, Odesa, Poltava, Sumy, Ternopil, and Chernivtsi, as well as in Sevastopol, returned 42 former houses of worship to religious groups. In August the local Government returned a former Mosque to the Muslim community in Crimea.

Numerous Jewish congregations have negotiated successfully with local authorities for worship space. In 1996 a Kiev arbitration court decided in favor of transferring the title of the former Kiev Central Synagogue, which in Soviet times was used as a puppet theater, to a Chabad Hasidic congregation. By December 1997, the puppet theater had vacated the building, and in the spring of 1998, the building reopened again as a synagogue. The synagogue was rededicated this year after extensive renovation. The decision set an important precedent for the judiciary's role in religious property restitution. According to Jewish community representatives, progress on restitution is generally satisfactory, although more could be done. In the first quarter of the year, two synagogues were returned to the Jewish community.

The pace of restitution of Christian churches has slowed in recent years, since the buildings that remain in state possession tend to be prime properties currently being used as museums, concert halls, or city halls. All religions have enjoyed equal opportunity to regain control over former community property. Problems in obtaining restitution resulted from inadequate legislation, bureaucratic inertia, and the difficulty of locating alternative quarters for current occupants. In February 1999, a presidential order instructed all local governments to complete the handover of former religious property whenever possible by the end of 1999 and banned privatization of religious communities' property. However, restitution is not complete. The committee attributed delays in returning other properties to lack of funds and the difficulties involved in finding alternative space for current users.

In July a dispute arose over efforts by a Jewish organization to build a memorial park at an ancient Jewish cemetery and holocaust massacre site in Sambor, a town

in Lviv Oblast. City authorities deferred the project after local nationalist groups demanded that the site also commemorate non-Jewish victims of the Nazis buried on the site. Efforts to reach a compromise stalled when the Nationalists demanded that no Jewish symbols appear at the site, that no Hebrew be used on inscriptions, and that Christian crosses be displayed. Nationalist groups later installed makeshift crosses at the site. At year's end, work on the memorial had stopped, and the crosses remained.

A number of religious properties were returned to Christian churches during the year. In the first quarter of the year, the Ukrainian Orthodox Church received 17 buildings. In May the Kiev Patriarchate received the newly rebuilt, historic St. Michael's Cathedral in central Kiev for its exclusive use. The Cathedral, which had been destroyed by Stalin in 1936, was rebuilt with significant local government funding. In September the Moscow Patriarchate received for its use the newly rebuilt Uspensky Cathedral of the Lavra Monastery, which also was restored using government funds.

In June four foreign public school teachers with religious affiliations were deported from Sevastopol after being accused of illegal religious activity incompatible with their work visa status. Although the central Government in Kiev offered to assist them with an appeal of this decision, the teachers decided voluntarily to depart the country.

During the year, the Government made significant efforts to ensure that pilgrims of the Bratslav Hasidic sect were able to visit the tomb of their founding rabbi in the city of Uman on the occasion of the Jewish New Year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respects them in practice; however, there are some limits. In particular the Government has not yet fulfilled its pledge to abolish mandatory registration—the propiska system—and replace it with an informational residence register (see Section 1.f.). Regulations impose a nationwide requirement to register at the workplace and place of residence in order to be eligible for social benefits, thereby complicating freedom of movement by limiting access to certain social benefits to the place where one is registered. For example, persons who move to other regions for work in the private sector may be denied formal access to free medical care and other services provided by the Government. Residence without registration carries a fine under the administrative code, but this provision rarely is enforced. Human rights groups reported cases of persons being stripped of their residence registration, evicted from their homes, and made homeless through criminal fraud or court error. Police also arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Citizens who wished to travel abroad were able to do so freely. Exit visas are required for citizens who intend to take up permanent residence in another country. There were no known cases of exit visas being denied to citizens during the year. The Government may deny passports to individuals in possession of state secrets, but denials may be appealed. A lapse in an Israeli-Ukrainian student exchange agreement in 1999 led to concerns about the ability of several hundred students to travel overseas for study in Israel. While negotiations continued between the Ukrainian and Israeli Governments over the renewal of the lapsed exchange agreement, the Ukrainian Government took steps to ensure that the students in question could travel to Israel. The exchange agreement was renewed in April.

Citizenship law provides the right to citizenship for all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 13, 1991. In order to be eligible, persons must not be citizens of other countries and must submit their application by year's end. An amendment to the law in April extended the application deadline to 2005 for Ukrainians returning from the far north and east in Russia and for former military officers. Dual citizenship is not recognized. A 1997 amendment to the Citizenship Law also provides the right to citizenship for deported victims of political oppression, such as the Crimean Tatars. Refugees can acquire citizenship if they have lived legally in the country for 5 years and can communicate in the Ukrainian language. Since independence over 1.5 million Ukrainians have returned to the country, while over 1 million persons, mostly ethnic Russians, have left the country.

The Government has not supported a foreign-funded program to facilitate the travel to the country of some emigrants who qualify for resettlement as refugees. More than 260,000 Crimean Tatars have returned from exile to Crimea, mainly from Central Asia. According to government officials, as of September between 220,000 and 230,000 Tatars had acquired Ukrainian citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling and that an onerous process of acquiring citizenship has excluded many

of them from participating in elections and from the right to take part in the privatization of land and state assets. However, the 1997 amendment to the Citizenship Law waives some of the usual residence and language requirements for returning deportees and expedites the acquisition of citizenship. The amendment facilitates the acquisition of citizenship by Crimean Tatars who were deported victims of political oppression. It allows deported persons, including Crimean Tatars, to acquire citizenship without a mandatory 5-year term of residence in the country and without Ukrainian language proficiency. In 1999 the Rada further amended the Citizenship Law to allow deported persons or their descendants living in the country for 5 years to acquire citizenship automatically without having to renounce any foreign citizenship that they may possess. Previously Crimean Tatars had difficulty obtaining documents from Uzbekistan to confirm that they had relinquished their Uzbek citizenship.

The 1993 Law on Refugees governs the treatment of refugees and entitles refugees to all of the benefits accorded to citizens. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), and refugee status initially is given for a 3-month term and is subject to further extension. According to government statistics, 2,898 persons (more than half of whom are Afghans) were granted refugee status between January and October. A commitment was made to award refugee status to all Afghans who arrived in the country before 1995. Under the new Citizenship Law, legally registered refugees can apply for citizenship after 5 years of permanent residence. Under the Refugee Law, refugees are entitled to material assistance. The Cabinet decided to start allocating funds in the 1999 national budget for payment of refugee pensions and small allowances for indigent refugees, plus transportation fare to a refugee center. In cooperation with the UNHCR in 1997, the Government established a refugee receiving center for 200 persons in Vinnytsya. The Government planned to open four other centers elsewhere; however, no additional center had been opened by year's end.

Instances of police harassment of certain categories of refugees apparently diminished during the year.

According to the State Committee for Nationalities and Migration, the Government has a first asylum policy. This means that persons who travel directly from their home country to Ukraine as refugees are assured refugee status. However, there were some problematic cases in 1999.

There were no reports during the year that persons were forced to return to a country where they feared persecution. In 1999, four Uzbeks, including two exiled Uzbek oppositionists, reportedly were arrested without a warrant, denied counsel, and deported forcibly to Uzbekistan without a hearing, despite protests by human rights groups. The four claimed to have been tortured and forced to give false testimony; nonetheless, they were sentenced later that year by an Uzbek court to between 8 and 15 years in prison.

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

Citizens have the right and the ability to change the government peacefully. The Constitution provides universal suffrage for citizens at least 18 years of age and for periodic elections every 4 years for the Parliament and every 5 years for the President. A presidential election was held on October 31 and November 14, 1999. Parliamentary elections took place in 1994 and in 1998.

Power is divided between the executive, legislative, and judicial branches. Although nominally independent, the judicial branch in practice is influenced heavily by the executive (see Section 1.e.). The President appoints the Prime Minister, who appoints the remainder of the Cabinet. The Prime Minister, as well as certain other appointments, such as the Prosecutor General, is subject to parliamentary approval. The Constitution grants the President limited power to pass binding decrees and directives that have the power of law.

The voting process in connection with the April referendum on amendments to the Constitution that would increase presidential powers was conducted in a generally free and fair manner; however, there were some serious problems. While most observers agreed that there were few procedural irregularities on voting day, the period leading to the referendum was marked by unbalanced media coverage and inappropriate involvement of government officials in turning out the vote and influencing voters on behalf of President Kuchma. Voter turnout was reported to be higher than during the October 1999 presidential election, raising suspicions of manipulation on the part of the presidential administration. For example, an unusually high number of voters were allowed to vote before election day. Pollsters reported that exit poll results on turnout were notably lower than results reported by the

Government. However, it is believed that the outcome of the referendum generally reflected the will of the people.

In June by-elections were held to fill 10 vacant parliament seats. Opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of pro-presidential candidates. However, observers believed that it was unlikely that these problems significantly altered the outcome of the election.

As many as 10 elected mayors reported continued harassment by the Tax Administration and law enforcement bodies, allegedly at the direction of presidentially appointed regional governors. The mayors attributed this pressure to their lack of support for President Kuchma during the 1999 presidential election. In February Vasylykiv Mayor Valeriy Popovych resigned under pressure after being detained and released on corruption charges. In September Myrhorod mayor Vasyl Tretetsky was removed from office by the city council. The press reported that the regional governor threatened council members with the loss of family members' jobs if they did not oust Tretetsky. In September Romny mayor Viktor Strelchenko resigned, reportedly after being told that the city would not receive heating fuel from regional authorities if he remained in office. Cherkasy mayor Volodymyr Olinyk, who ran for president in 1999 but dropped out in favor of another opposition candidate, was under criminal investigation and complained of SBU monitoring of his activities.

International observers noted violations of election day procedures in the 1999 presidential elections, with more numerous and serious violations occurring in the second round of voting. However, the violations reportedly were not widespread nor systematic. The most serious problems were unbalanced media coverage and the coordinated and inappropriate involvement of government officials in both rounds of the election on behalf of President Kuchma. The OSCE also was concerned over pressure exerted on voters in prisons, hospitals, and educational institutions on behalf of President Kuchma. A representative of the Parliamentary Assembly of the Council of Europe declared that the elections were "far from fair and democratic." OSCE observers noted that unauthorized persons, including SBU officers, present in polling stations, especially during the runoff election and had reports of militia involvement in campaigning. After the first round of voting, three regional administrators were dismissed, allegedly for failing to produce sufficient votes for President Kuchma in their districts. After the second round of voting, President Kuchma dismissed two oblast governors and six rayon (regional) heads in those regions where Kuchma received fewer votes than Communist Party rival Symonenko. Very high voter turnouts, particularly in western districts, aroused suspicion of ballot stuffing on President Kuchma's behalf in the second round of voting. However, observers concluded that it was unlikely that these problems significantly altered the final outcome of the election, in view of President Kuchma's 18-point margin of victory.

In the 1999 preelection period, various forms of government pressure on the media served to limit the independence of the press (see Section 2.a.). The Parliamentary Assembly of the Council of Europe found that state media coverage of the presidential campaign was biased strongly in favor of President Kuchma. The Government allegedly used official agencies, especially the Tax Inspectorate, to disrupt or eliminate the businesses of political opponents prior to the elections. Presidential candidate Yevhen Marchuk reported that police ordered a meeting with voters evacuated in Luhansk in August 1999, citing an anonymous bomb threat (see Sections 1.c. and 2.b.). Political candidates also reported difficulty in renting meeting halls, closure of their local campaign offices by government officials, confiscation of campaign vehicles, and pressure on employees from directors of state-owned enterprises. Many opposition presidential candidates complained that the SBU overstepped its mandate and interfered in the campaign to the benefit of President Kuchma. These reports appear credible. There are confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity (see Sections 1.f. and 4). Presidential candidates complained about the presidential administration's dominance over the media and the illegal involvement of state officials in Kuchma's campaign. The Supreme Court declared in November 1999 that it did not have the right to question the decision of the Central Election Committee or to declare an election null and void but that it could only order recounts in specific polling stations.

Women are active in government and politics, but are underrepresented and they hold a disproportionately small percentage of offices. Women hold 37 of the 450 seats in the Rada. Only two women hold ministerial posts. The 18-member Constitutional Court has two female members.

Jews are well represented among the political elite and hold several parliamentary seats. Many Crimean Tatars are unable to participate fully in the political process, primarily due to citizenship problems (see Section 2.d.). The Government's requirement that a political party have representatives in at least half of the coun-

try's regions in order to register officially has limited the ability of Russian, Crimean Tatar, and Romanian minority groups to organize (see Section 2.b.).

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, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and responsive to their views. However, human rights groups reported more difficulties in investigating penal conditions, which are a significant human rights concern. There are confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity during the 1999 presidential election campaign (see Section 3).

A 1998 law created the Parliamentary Commissioner on Human Rights, which is a constitutionally mandated independent human rights ombudsman. Parliament elected the first Ombudsman in April 1998. The Ombudsman serves a 5-year term and, in principle, is invested by law with very broad powers. In November the Ombudsman delivered her first human rights report to Parliament. The report noted that despite legislative guarantees, the country lacks effective mechanisms for protection of human rights. The Ombudsman's office reported that it had received more than 100,000 letters since its inception; however, many of those letters were requests for information rather than complaints of human rights violations. The office's staff grew by 30 percent during the year to approximately 60 full- and part-time workers. However, the office was underfunded, and employees sometimes were unpaid.

The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any government installation; and the oversight of implementation of human rights treaties and agreements to which the country is a party. However, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman. The law required the Government to submit amendments to existing laws to provide the legal framework for the operation of the Ombudsman's office. The Ombudsman's office itself drafted some 70 amendments to this effect, but those amendments had not been enacted at year's end. All citizens and current residents can address their concerns to the Ombudsman. The Ombudsman also serves as the intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly. The Ombudsman made combating of trafficking in persons (see Section 6.f.) and improving prison conditions a priority during the year.

Citizens have the right to file appeals with the European Court of Human Rights in Strasbourg about alleged human rights violations. According to one human rights expert, some 13,000 appeals were made to the court in 1998 and some 200 cases were accepted by the court for review.

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

The Constitution prohibits discrimination on the basis of race, sex, and other grounds; however, due in part to the absence of an effective judicial system, the Government does not enforce these provisions effectively. The Government has not prosecuted anti-Semitic acts, under the law forbidding the sowing of interethnic hatred.

Women.—Violence against women is reportedly pervasive. While statistics compiled by the U.N. Development Program show that the number of reported rapes and attempted rapes decreased in recent years, surveys indicated that the majority of rapes and other cases of physical abuse went unreported. Past surveys by women's groups indicated that between 10 and 15 percent of women had been raped, and over 25 percent physically abused, in their lifetimes.

The Criminal Code outlaws rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Spousal abuse also is illegal, but authorities often pressure women not to press charges against their husbands. Separate statistics on prosecutions for wife beating or on average sentences are not available. In 1997, the last year for which statistics are available, 1,510 criminal cases were opened for rape, 822 for sexual abuse, and 3 for sexual compulsion. Information on convictions was not available.

Violence against women does not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem. Hot lines, shelters, and other practical support for victims of abuse are practically nonexistent, although there are some shelters run by private organizations. In 1998 Kiev municipal authorities opened the country's first state-funded women's center. In 1998 the Government an-

nounced plans to establish a network of shelters throughout the country, but by year's end, it had not yet begun to implement these plans.

Ukraine is a significant source country for girls and women trafficked to Central and Western Europe and the Middle East for sexual exploitation (see Section 6.f.). A 1998 amendment to the Criminal Code imposes harsh penalties for—among other offenses—trafficking in human beings, including for sexual exploitation and pornography; however, the effectiveness of this step has not yet been established. The authorities rarely prosecute men for engaging women in the rapidly growing sector of sexually exploitative work.

Women's groups reported that there was widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a "materially dependent person," which applies to employees, legal safeguards against harassment are inadequate. In the only known case of prosecution for sexual harassment in the workplace, *Pravda Ukrayiny* editor Oleksandr Horobets was convicted in 1999 of sexual harassment of a subordinate and sentenced to 7 months in prison. However, the fact that Horobets was the editor of an opposition newspaper calls into question the motives of the procuracy in prosecuting the case.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally is observed. However, the economic crisis has harmed women disproportionately. Women are much more likely to be laid off than men. Women constitute approximately 56 percent of the unemployed population, and as much as 90 percent of newly unemployed persons. Industries that are dominated by female workers are also those with the lowest relative wages and the ones that are most likely to be affected by wage arrears problems.

The Constitution and the Law on Protection of Motherhood and Childhood prohibit the employment of women in jobs that are hazardous to their health, such as those that involved heavy lifting. However, despite implementation of a government program to combat dangerous labor, these laws remain poorly enforced. The Ministry of Labor estimated that 15 percent of working women are employed in hazardous jobs. Furthermore human rights groups maintained that management selectively observed the law only as necessary to lay off or fire female workers. Many women's rights advocates feared that the law may be used to bar women from the best paying blue-collar jobs. By law pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of three years. However, this benefit is a disincentive for employers to hire women for responsible or career track jobs.

Few women attain top managerial positions in state and private industry. A March business survey found that half of private sector employees are women. According to the survey, women run 30 percent of private small businesses and 13 percent each of large and medium businesses. According to government statistics, 69.2 percent of the country's 213,000 state administration jobs were held by women, including 45.2 percent of the managerial positions. However, of the highest "first" and "second" category offices, only 5.6 percent in central or local governments are filled by women. (These numbers do not include the "power ministries"—the Ministries of Defense, Internal Affairs, Foreign Affairs, and the SBU, which have substantially more male employees at all levels.)

Educational opportunities for women generally have been, and continue to be, equal to those enjoyed by men. However, the Government limited the number of women who can receive military officer training to only 20 percent of the total number of students accepted. The military limited the role of women to certain functions. This limited their chances for promotion and training opportunities and they were left with low-paying routine positions in the military.

Children.—The Government is committed publicly to the defense of children's rights, but the deep economic crisis severely limited its ability to ensure these rights. The low priority that both the public and the Government attached to children's rights is reflected in the absence of groups that aggressively promote children's rights. For example, the widely acknowledged problem of growing violence and crime in and outside schools, especially the notoriously violent vocational schools, largely is ignored by the public and the Government.

Education is free, universal, and compulsory until the age of 15. However, the public education system has deteriorated as a result of government financial disarray. Teachers often went unpaid for months. Increasing numbers of children from poor families dropped out of school, and illiteracy, which was previously very rare, has become a problem. Health care is provided equally to girls and boys, but economic problems have worsened the overall quality of the health care system.

There were higher numbers of homeless children, who usually fled poor orphanage or poor domestic conditions. According to government statistics, 100,000 children are registered as homeless; of those, 14 percent are under age 7. Although statistics

were unavailable, drug use and child prostitution are widespread and received substantial media attention during the year. Several charity groups were formed to assist these children, but they have not been able to reduce the problem. In January President Kuchma issued a decree aimed at reducing homelessness among children; however, the effect of that decree is unknown. In 1997 the All-Ukrainian Committee for Protection of Children released survey results that revealed that every fifth or sixth child of both sexes under age 18 suffered from sexual harassment (including every third girl), and that every 10th girl is raped.

Deteriorating conditions in the state orphanages led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of private, government-supervised orphanages. There are 75 such orphanages with some 800 children. To curb illegal adoption, an April 1998 amendment to the Criminal Code prescribed up to 15 years' imprisonment for trafficking in children and illegal adoption (see Section 6.f.). However, there had been no known successful cases of its application as of year's end.

People with Disabilities.—The law prohibits discrimination against the disabled, but the Government has done little to support programs targeted at increasing opportunities for the disabled. The law mandates access to buildings and other public facilities for the disabled, but it is enforced poorly.

Religious Minorities.—Anti-Semitism exists on an individual and societal basis. However, the central Government generally discouraged it. Some ultranationalist groups and newspapers continued to publish and distribute anti-Semitic tracts regularly. Anti-Semitic publications also are imported from Russia and distributed without the necessary state license. During the year, President Kuchma and Prime Minister Yushchenko repeatedly and publicly spoke about the need for the peaceful coexistence of ethnic and religious groups. Authorities opened criminal cases against publications for fomenting interethnic hatred. Moreover, the Procuracy warned certain publications against publishing anti-Semitic material. In 1999 the Shimon Dubnov Ukrainian Academy of Jewish History and Culture filed suit against the nationalist newspaper *Vechirniy Kiev* for publishing anti-Semitic criticism of the Academy's collection of scholarly articles, "Judeophobia Against Ukraine," which was published in 1998. The case still was pending at year's end.

Anti-Semitic incidents continue to occur but, according to local Jewish organizations, have declined in number over recent years and they were concentrated in western regions of the country.

In October large crosses were erected on prominent elevations near Sevastopol. In November the crosses were cut down. Although Orthodox religious leaders accused Tatars of dismantling the crosses, the Tatars denied involvement, and no one was held formally responsible for the act.

During the year, there were no arrests made in the 1997 firebombing of the Kharkiv Israeli cultural center, nor have there been any prosecutions for the desecration of Jewish cemeteries in 1997.

There were occasional statements by Ukrainian Orthodox Church officials (both Moscow and Kiev Patriarchates) denouncing the spread of nonnative religions and sharply criticizing their missionary activities. Evangelical Christian missionaries reported some instances of societal discrimination against members of their churches, such as salary cuts, layoffs, and public criticism for betraying "native religions."

Native religious organizations, especially the Orthodox Church and the Greek Catholic Church, pressured local and regional officials not to register nonnative religious organizations or to allow them to rent or purchase property. Both these denominations also reportedly pressured officials to restrict the activities of the other.

Tension also persists between the different branches of the Orthodox Church. In April 1999, a violent scuffle took place in the southeastern city of Mariupol between supporters of the Ukrainian Orthodox Church (Moscow Patriarchate) and the entourage of Patriarch Filaret of the Ukrainian Orthodox Church (Kiev Patriarchate). Filaret had come to Mariupol to consecrate a cross erected on the future site of a Kiev Patriarchate church. A scuffle broke out when opponents tried to pull down the cross. Filaret received minor injuries, and several of his followers were treated at a local hospital for concussions and minor injuries.

National/Racial/Ethnic Minorities.—The frequent harassment of racial minorities is an increasing problem. The police routinely detain dark-skinned persons for arbitrary document checks (see Section 1.c.). In addition there were increased reports of racially motivated violence against persons of African and Asian heritage. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.

Roma face considerable societal discrimination. Opinion polls have shown that among all ethnic groups, the level of intolerance is highest toward Roma. In the

Transcarpathian region in particular, Roma continue to be subject to violence and abuse by police (see Section 1.c.).

The Constitution provides for the “free development, use, and protection of the Russian language and other minority languages in Ukraine.” This compromise builds on a 1991 law on national minorities, which played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages in conducting personal business and by allowing minority groups to establish their own schools. Nonetheless, some pro-Russian organizations in the eastern part of the country complained about the increased use of Ukrainian in schools and in the media. They claimed that their children are disadvantaged when taking academic entrance examinations, since all applicants are required to take a Ukrainian language test. According to official statistics, there are 16,352 Ukrainian schools, 2,399 Russian schools, 98 Romanian schools, 67 Hungarian schools, 11 Moldovan schools, 9 Crimean-Tatar schools, and 3 Polish schools in the country.

In May a popular folk singer was killed at a cafe in Lviv, allegedly by Russian-speakers who objected to his singing Ukrainian songs. The murder sparked protests and prompted a national debate over the use of Ukrainian and Russian languages. In July the city council issued a decree banning the broadcast of “amoral songs” in public places, which some observers interpreted as a prohibition against Russian language music. However, the decree never was enforced and in August the local procuracy declared the decree unlawful. Ukrainian and Crimean Tatar minorities credibly complain of discrimination by the Russian majority in Crimea and demand that the Ukrainian and Tatar languages be given equal treatment to Russian. According to Tatar leaders, unemployment is as high as 50 percent in their community. In January 1999, the office of the Tatar Assembly Mejlis (the unofficial Tatar parliament) was firebombed in Simferopol. As of October, no one had been charged in the crime, though Tatars blamed Russian chauvinists. In May 1999, on the anniversary of Stalin’s deportation of the Tatars to central Asia, 35,000 Tatars demonstrated for official recognition of the Mejlis, Tatar representation in the Crimean parliament, and for official status for the Tatar language. In response President Kuchma created a presidential Tatar advisory committee that included all members of the Mejlis. Tatar leaders reported that during the year the committee helped promote Tatar interests at the national level. Also in May 1999 Tatar protesters erected a tent camp in front of the Crimean government building. The camp was dismantled after the Crimean Prime Minister Serhiy Kunitsyn agreed to the protesters’ demands for the creation of a council to represent Tatar interests in the Crimean government, for the right of Tatars returning from central Asia to own land, and for the creation of Tatar schools. A demonstration held on the anniversary of the deportation of Crimean Tatars in May was much smaller and less politicized.

The Crimean Government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions. However, the central Government is working with the UNHCR, OSCE, and the International Organization for Migration on support for the Crimean Tatar community.

The majority of the more than 260,000 Crimean Tatars who have returned to the country from exile in central Asia have received citizenship. According to Tatar leaders, approximately 30,000 to 40,000 of them still lack citizenship, a decrease from 67,000 in 1999. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling, and that the onerous process of acquiring citizenship has excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets (see Section 2.d.).

Romanians called for university-level instruction in Romanian or the establishment of a Romanian technical college. There are 86 Romanian-language schools in the Chernivtsi oblast.

Rusyns (Ruthenians) called for status as an official ethnic group in the country. At a congress held in Uzhhorod in 1999, representatives of the Rusyn community called for Rusyn-language schools, a Rusyn-language department at Uzhhorod University, and for Rusyn to be included as one of the country’s ethnic groups in the 2001 census. According to Rusyn leaders, more than 700,000 Rusyns live in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join trade unions to defend “professional, social and economic interests.” Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union. The 1992 Law on Citizens’ Organizations (which includes trade unions) stipulates noninterference by public authorities in the activities of

these organizations, which have the right to establish and join federations on a voluntary basis. In principle all workers and civil servants (including members of the armed forces) are free to form unions. In practice the Government discourages certain categories of workers, for example, nuclear power plant employees, from doing so. A new trade union law designed to replace Soviet-era legislation was adopted by Parliament and signed into law by the President in 1999. In January independent unions challenged the law. The grounds that it was unconstitutional, and in late October, the Constitutional Court ruled that some provisions of the 1999 Labor Union Law were unconstitutional. The court rejected the requirement that unions must register with the Ministry of Justice and the condition that unions have a certain level of membership and regional representation in order to qualify for national status. The International Labor Organization (ILO) has stated that the law violated ILO Convention 87 on Freedom of Association.

The successor to the Soviet trade unions, known as the Federation of Trade Unions (FPU), has begun to work independently of the Government and has been vocal in advocating workers' right to strike. The FPU has supported the protests of miners and other professions over unpaid wages. However, as during the Soviet era, most FPU affiliates work closely with management. Following President Kuchma's 1998 appointment of the head of the FPU-affiliated coal miners' union to be director of the national coal monopoly, the FPU ended support for striking miners. Enterprise managers are free to join the FPU. In 1997 the FPU leadership created a political party, the All-Ukrainian Party of Workers, which is virtually indistinguishable from the FPU.

Independent unions now provide an alternative to the official unions in many sectors of the economy. The Independent Miners' Union of Ukraine (NPGU), unions representing pilots, civil air traffic controllers, locomotive engineers, aviation ground crews, and other unions operate either independently or within one of three national confederations. While exact membership is unknown, estimates for independent union membership ranged from 100,000 to 300,000, while estimates for FPU-affiliated unions ranged from 17 to 23 million members. Independent unions have claimed unsuccessfully a share of the former Soviet trade unions' huge property and funds, especially the social insurance benefits fund, a Soviet-era legacy traditionally controlled by the official unions.

Independent unions claimed that the new trade union law is more restrictive than the old Soviet legislation. To acquire national status, a union must have representation in more than half of the 14 regions of the country, or in one-third of the enterprises in a regionally based sector, or have a majority of union members in the sector. National status and registration confer the right to acquire space, property, to maintain bank accounts, and to enter legally binding agreements. These new requirements are likely to make it difficult for miners and sailors to organize. Another contentious requirement is mandatory registration by the Justice Ministry. All unions were required to reregister with the Justice Ministry by April. As of October, nearly all FPU-affiliated unions and 14 independent unions were registered. The largest independent union, the Independent Miners Union, was not registered because it lacks the geographic presence necessary for national status. As of October, the Justice Ministry had not applied the administrative sanctions against unregistered unions that were foreseen in the new law. Registration determines participation of a union in the national collective bargaining agreement with the Government, as well as membership on the Social Insurance Fund Board (see Section 6.b.). Independent unions stated that the Justice Ministry denied registration to unions not loyal to the Government. They also reported that management in many enterprises cited the new law in refusing to deal with independent unions. Additionally management no longer is obligated to provide free accommodation and telephone lines to unions. However, the law gives unions a say in labor safety and division of newly built housing.

The Constitution provides for the right to strike "to defend one's economic and social interests." The Constitution states that strikes must not jeopardize national security, public health, or the rights and liberties of others. The law does not extend the right to strike to members of the procuracy, judiciary, armed forces, security services, law enforcement agencies, and public servants. However, a 1998 Law on Labor Disputes Resolution extends the right to strike to employees of "continuing process plants," for example, metallurgical factories, provided that they give 15 days' advance notice of their intent to strike. The law prohibits strikes that jeopardize life or health, the environment, or that can hinder disaster, accident, or epidemic-related operations. According to the International Confederation of Free Trade Unions (ICFTU) 1999 report, the law does not allow strikes in the transport sector. Workers who strike in prohibited sectors can receive up to three years imprisonment.

The law does not prohibit specifically strikes based on political demands. The law prohibits strikes based on demands to change the constitutional order, state borders, or the administrative division of the country, as well as on demands that infringe on human rights. The Government has relied on the prosecutors and the courts to deal with strikes that it considered illegal. The law does not extend the immunity from discipline or dismissal to strikers who take part in strikes that later are declared illegal by the courts. A union that organizes an illegal strike is liable for strike-inflicted losses.

According to official statistics, there were 15 strikes in the first quarter of the year. There are no official restrictions on the right of unions to affiliate with international trade union bodies. The NPGU is a member of the Federation of Chemical, Energy, Mine, and General Workers' Union.

b. The Right to Organize and Bargain Collectively.—The Law on Enterprises states that joint worker-management commissions should resolve issues concerning wages, working conditions, and the rights and duties of management at the enterprise level. Overlapping spheres of responsibility frequently impeded the collective bargaining process. The Government, in agreement with trade unions, established wages in each industrial sector and invited all unions to participate in the negotiations. The 1998 Law on Labor Disputes Resolution provides for the establishment of an arbitration service and a National Mediation and Reconciliation Service to mediate labor disputes. During the first 4 months of the year, the service mediated 414 labor disputes. According to official statistics, in 1999 the service mediated 421 labor disputes.

The manner in which the collective bargaining law is applied prejudices the bargaining process against independent unions and favors the official unions (affiliates of the FPU). Most workers never are informed that they are not obligated to join the official union. Renouncing membership in the official union and joining an independent union can be bureaucratically onerous and typically is discouraged by management. The collective bargaining law prohibits antiunion discrimination. Under the law, disputes should be resolved by the courts. There have been cases in which such disputes have not been settled in a fair and equitable manner.

Under the new trade union law, an independent union also can be removed easily from the collective bargaining process at the enterprise level. Under the old law, if several unions at an enterprise failed to agree on joint representation, the larger union, that is the FPU represented labor in the bargaining process. The new law failed to address this problem.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution and the Labor Code prohibit forced and compulsory labor, and it generally is not known to occur; however, the country is a major source of girls and women trafficked for sexual exploitation (see Sections 5 and 6.f.). The law does not prohibit specifically forced and bonded labor by children; however, there were no reports of such practices, apart from victims of traffickers.

Human rights groups described as compulsory labor the common use of army conscripts and youths in the alternative service for refurbishing and building private houses for army and government officials. In 1998 student groups protested against a presidential decree obliging college and university graduates, whose studies have been paid for by the Government, to work in the public sector at government-designated jobs for 3 years or to repay fully the cost of their education. Students described the decree as an anticonstitutional attempt to introduce compulsory labor, as the Constitution provides for free choice of job and one's agreement to work. The Government stated that the decree would cover only students who entered higher education institutions in 1997 and thereafter. The extent of enforcement of the decree is unknown. In the past, human rights groups reported complaints from medical and law students that they had been forced to accept government-assigned jobs for 3 years to repay the cost of their education or not receive their diplomas. However, no recent complaints have been reported.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum employment age is 17; however, in certain nonhazardous industries enterprises may negotiate with the Government to hire employees between 14 and 17 years of age, with the consent of one parent. The Constitution provides for general secondary education. School attendance is compulsory until the age of 15, a regulation vigorously enforced by the Ministry of Education. However, since the Soviet era, the number of dropouts has increased significantly, mostly because of rising poverty. The Criminal Code prescribes up to 5 years in prison for involving children in criminal activities, drinking, begging, prostitution, gambling, or other exploitation. The Government does not prohibit specifically forced and bonded labor by children, but

there were no reports that it occurred, apart from victims of traffickers (see Sections 6.c. and 6.f.).

The Government ratified ILO Convention 182 on the Worst Forms of Child Labor in October.

e. Acceptable Conditions of Work.—The minimum monthly wage is \$21.70 (118 hryvnia), and the minimum monthly pension is \$4.70 (24.9 hryvnia). The average monthly salary is \$41.60 (228.8 hryvnia), which does not provide a decent standard of living for a worker and family. Moreover millions of persons go unpaid for many months because of shrinking budget revenue. In July Parliament declared the official subsistence level to be about \$50 (270.1 hryvnia) per month. Although the practice of underreporting sources of income is widespread, it is estimated that in fact some 50 percent of the population effectively lives in poverty.

The Labor Code provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries, for example, defense, significantly reduced the workweek for some categories of workers.

The law contains occupational safety and health standards; however, these frequently are ignored in practice. Lax safety standards and aging equipment caused many serious accidents, resulting in approximately 47,000 work-related injuries in 1999. According to official statistics, these were 85 serious industrial accidents in which 141 workers were killed and 332 were injured occurred during the first half of the year. Mining accidents killed 212 miners during the first half of the year. In the coal mining sector, it is estimated there are 5.2 deaths for every million tons of coal extracted.

In theory workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment; however, in reality, independent trade unionists reported that asserting this right would result in retaliation or perhaps dismissal by management.

f. Trafficking in Persons.—Trafficking in women and girls is a significant problem. The country is a major source and transit country of women and girls trafficked to Central and Western Europe, the United States, and the Middle East for sexual exploitation, and reports of trafficked women and girls from Ukraine also have come from Australia, Japan, and South Africa. The International Organization for Migration estimated in 1998 that 100,000 citizens had been trafficked abroad for this purpose since 1991. Between 1991 and 1997 Israeli authorities deported 1,500 Russian and Ukrainian women who had been trafficked there; and Italian officials estimated in 1999 that at least 30,000 Ukrainian women were employed in Italy in exploitative situations. In Israel where many Ukrainian women are trafficked, the Government fails to protect the victims and routinely jails the Ukrainian women on charges of prostitution prior to their deportation.

The Parliament passed an amendment to the criminal code in 1998 that imposes harsh penalties for, among other offenses, trafficking in human beings, including for sexual exploitation and pornography. In 1999 the Government established special police units to investigate trafficking crimes; however, the effectiveness of these units and of the amended Criminal Code has not yet been established. In 1999 the Human Rights Ombudsman established a National Coordinating Council for the Prevention of Trafficking in Human Beings; however, the organization has yet to demonstrate its effectiveness. Trafficking is becoming a higher priority for law enforcement agencies, but these agencies often lack the financial and personnel resources to combat well-established criminal organizations that run trafficking operations. The Ministry of Internal Affairs in 1999 established special antitrafficking units at the national and oblast levels. These units became operational this year; however, they have had limited impact. NGO's claimed that the local militia received bribes in return for ignoring this problem. Moreover, some reports allege that local public officials abetted or assisted organized criminal groups in trafficking women abroad.

The authorities do not prosecute men routinely for engaging women in the rapidly growing sector of sexually exploitative work. In the past three years, 37 criminal cases have been brought against alleged traffickers, most of which ended in acquittals. Sentences for those convicted of trafficking generally were not severe and usually consist of fines. In November a Greek man and two Ukrainian women were convicted of trafficking in human beings and sentenced to seven years and five years in prison, respectively. This case marked the first time convicted traffickers received jail sentences. In 1999 two women who were sentenced to 5-year suspended sentences and fined \$150 (680 hryvnia) for trafficking. In August 1999, authorities in the Netherlands arrested a Ukrainian national and three Dutch nationals for trafficking women to sex clubs in the southern Netherlands from Ukraine, Belarus, Poland, and Romania. No update on the results of these arrests were available at

year's end. Also in 1999, a man was given a suspended sentence and fined for trafficking women to brothels in the former Yugoslavia and engaging them in prostitution, and three persons were arrested on suspicion of selling 200 young women and girls to be used as forced labor in night clubs or as prostitutes in Turkey, Greece, and Cyprus.

Women who are trafficked out of the country often are recruited by firms operating abroad and subsequently are taken out of the country with legal documentation. They are solicited with promises of work as waitresses, dancers, or housemaids, or are invited by marriage agencies allegedly to make the acquaintance of a potential bridegroom. Once abroad the women find the work to be very different from what was represented to them initially.

The Government, primarily due to lack of funds, is unable to assist victims effectively. Some NGO's, such as the domestic NGO La Strada, began offering some support services for victims of trafficking, but these groups also suffered from a shortage of funds. For example, La Strada described a case in February in which seven Ukrainian mothers contacted the NGO to request help for their daughters who were trafficked into prostitution in Montenegro. The NGO became frustrated with the lack of assistance from the Government because there was no central point of contact to address the situation or provide assistance. With foreign assistance, four regional trafficking prevention centers were opened in addition to the three already in existence. Centers now operate in Donetsk, Lviv, Dnipropetrovsk, Chernyvtys, Kherson, Rivne, and Zhytomyr. The centers offered job-skill training, have telephone hot lines, and serve as referral centers for health, legal, and psychological counseling. In addition to the three cities with trafficking prevention centers, hot lines operate in Luhansk, Odesa, Kharkiv, Ternopil, and Sevastopol. In the first half of the year, La Strada hot lines received 1,040 calls, 684 of which were from callers classified as potential victims. Winrock, an NGO also involved in antitrafficking efforts, reported more than 2,600 calls to its hot lines in the first quarter of the year.

In September 1999, the Cabinet of Ministers adopted a national program for the prevention of trafficking in women and children, involving 20 ministries, local governments, international organizations, donors, and domestic and international NGO's. The program was to combat trafficking as well as to assist victims; however, severe budget constraints limited the ability of the Government to implement the program effectively. The Ombudsman made public statements that the issue of trafficking was a priority (see Section 4). The Ministry of Education introduced a curriculum on trafficking prevention and awareness in high schools. NGO's conducted general awareness programs.

UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland is a longstanding constitutional monarchy with a democratic, parliamentary government. Some central government powers have been devolved to locally elected bodies in Wales, Scotland, and Northern Ireland. The judiciary is independent, but Parliament may supercede its decisions through legislation.

Throughout the country, police forces are under the effective control of civilian officials. The intelligence agency MI-5 has the authority to act in support of other law enforcement agencies in the prevention and detection of serious domestic crime, but information collected by that agency generally is not admissible as evidence in trials. The Royal Ulster Constabulary (RUC) in Northern Ireland has a complex and controversial role, due to the special and difficult circumstances in the region with respect to law and order. In some areas of Northern Ireland, because of the continuing threat of violence, army units operate to reinforce the RUC. Individual members of UK police forces committed human rights abuses in some instances.

A highly developed, diversified, market-based economy with extensive social welfare services provides most residents with a high standard of living. Higher than average unemployment rates prevail among certain demographic groups, including youth and racial minorities, and in Northern Ireland, among Catholics.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Individual members of the police occasionally abused detainees. Prison conditions, including overcrowding and the number of prison suicides, also remained problems. There are some limits on freedom of assembly and association related to the security situation in Northern Ireland. The Government continued to take steps to combat violence against women. Societal discrimination against women, nonwhite minorities, and the Traveller (nomadic) community are problems, as are child abuse and

occasional societal violence against minorities. Trafficking in women is an acknowledged problem. In October the Human Rights Act came into effect, allowing for the enforcement of provisions of the European Convention on Human Rights in UK courts.

In Northern Ireland, power was devolved in December 1999 under the terms of the Good Friday Agreement, which established local government institutions, including a legislative assembly and a power-sharing executive. In February 2000, due to the lack of progress on weapons decommissioning by republican paramilitary groups, the Ulster Unionist Party (UUP) threatened to withdraw from the executive in protest. The Secretary of State for Northern Ireland suspended the institutions in February in order to prevent UUP withdrawal. In May, after the Provisional Irish Republican Army (PIRA) pledged to put its weapons completely and verifiably beyond use, the Government lifted the suspension, allowing devolution to resume. In October Executive First Minister David Trimble of the UUP refused to allow executive ministers of the republican Sinn Fein Party to participate in meetings of the North-South Ministerial Council, because there had been no progress on the weapons issue. At year's end, Sinn Fein ministers were challenging Trimble's move in court.

The Northern Ireland Human Rights Commission (HRC) initiated a comprehensive consultation process on a bill of rights specific to Northern Ireland, as mandated by the Good Friday Agreement. The commission also provides legal advice and assistance to citizens. The HRC Chief Commissioner urged the Government to grant the commission additional funding and enhanced powers. Under the terms of its creation in 1999, the HRC can make the case for such changes in a report to the Government in 2001.

The police force in Northern Ireland has had a complex and controversial role and under some circumstances continues to rely on support from British Army units. Approximately 13,000 British troops were stationed in Northern Ireland, the lowest number since the early 1970's. The Good Friday Agreement mandated wide-ranging reforms in policing and criminal justice with the aim of developing fair, effective, and representative law-enforcement institutions that have the confidence of all parts of the community. In November Parliament passed a Northern Ireland Police Bill based on the recommendations of the Independent Commission on Policing in Northern Ireland (commonly known as the Patten Commission). In March the criminal justice review mandated by the Good Friday Agreement publicly proposed as part of its findings reforms in the Northern Ireland prosecution system and in the procedures for making judicial appointments; its recommendations are expected to be implemented beginning in 2001.

In accordance with the Good Friday Agreement, the Government in September completed the staged release of 433 prisoners affiliated with paramilitary organizations that maintain a complete and unequivocal cease-fire—although "punishment" attacks continued in areas under the influence of these groups. Several paramilitary dissident groups in Northern Ireland committed acts of violence aimed at disrupting the peace process. During the year, over 250 violent sectarian attacks took place in Northern Ireland. Loyalists carried out 86 punishment shootings and 72 punishment beatings, while republicans carried out 50 punishment shootings and 54 beatings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings by the Government.

The Police Complaints Authority (PCA), an independent watchdog organization, concluded its inquiry into the police investigation of the death of Roger Sylvester, a black man who died in 1999 after being restrained by police officers. The PCA certified that the circumstances had been investigated to its satisfaction and forwarded an investigation report to the Crown Prosecution Services (CPS). In November the CPS ruled that there was insufficient evidence to file criminal charges against the police officers involved in Sylvester's case. Sylvester's family called for an independent inquiry.

In December the CPS also ruled out filing criminal charges against police officers involved in the 1999 shooting death of Henry Stanley. Amnesty International expressed concern over the CPS decisions not to prosecute in the Sylvester and Stanley cases, which the organization considers "strong prima facie evidence" cases.

In May a London court set a February 2001 trial date for a police officer charged in the murder of James Ashley, who was shot and killed during a police raid on his home in 1998. In connection with the case, four other police officers face trial.

According to the PCA's Annual Report, deaths in police custody fell to 47 during the 12 months ending in March 2000, compared with 65 during the same period the previous year. The report states that 11 of the deaths occurred because of natural causes, 9 were due to alcohol or drugs, and 12 were suicides. The PCA supports the abolition of the offense of "being drunk and incapable" and recommends that drunks be dealt with by nurses and paramedics rather than by the police. According to the Home Office, the provisional number of deaths in police custody in England and Wales during the calendar year was 47; in Scotland it was 3.

There also were a number of deaths in custody in prison due to suicide and natural causes (see Section 1.c.).

The Northern Ireland Human Rights Commission is assisting the family of Jim McDonnell in the formal inquest into his death in 1996 in Northern Ireland's Maghaberry Prison. Fellow prisoners charged that prison staff beat him.

In April the European Court of Human Rights declared admissible 4 cases brought by the families of 12 individuals killed by the security forces (or with alleged security force collusion) in Northern Ireland in the 1980's and 1990's. The families contend that the Government violated, *inter alia*, Article 2 (the right to life) of the European Convention on Human Rights and charge that the deceased were killed unjustifiably by the State or its agents through excessive use of force and that the State failed to comply with its procedural obligations by not effectively investigating the deaths. One of the cases had earlier been included in an inquiry into the use of lethal force (including allegations that the authorities sanctioned a shoot-to-kill policy) conducted in 1984-87 by John Stalker.

In 1998 the Government opened a new judicial inquiry, presided over by a panel of three prominent judges from the UK and other Commonwealth countries, to establish the facts of the events of January 30, 1972, in Northern Ireland—"Bloody Sunday"—when 13 unarmed civil rights demonstrators in Londonderry were killed by British soldiers, but for which no member of the security forces was ever held accountable. The inquiry spent 2 years gathering testimony and evidence from other victims, journalists, and government officials. Formal hearings began in March in Londonderry. Following the August resignation from the panel of Sir Edward Somers due to personal reasons, the Government appointed John Toohey, a former judge on the Australian High Court. The disruption resulted in a 2-month delay in the proceedings, which resumed in November. The inquiry is expected to hear testimony from approximately 800 to 1,000 witnesses and continue for another 2 to 3 years.

David Copeland was convicted in June of a series of bombings in London in 1999 and sentenced to six life sentences. The bombings, motivated by racism and homophobia, killed three people.

Under the criteria of the 1998 Northern Ireland (Sentences) Act, the Government determined that the main republican and loyalist paramilitary groups were abiding by a cease-fire. Despite the fact that the groups are considered to be maintaining a cease-fire, killing and wounding by both republican and loyalist groups in Northern Ireland continued. The groups that the Government determined were not maintaining a total and unequivocal cease-fire are the Real IRA (RIRA), the Continuity IRA, the Irish National Liberation Army (INLA), the Red Hand Defenders, and the Orange Volunteers.

The PIRA was blamed widely for three May killings, including the killing of a dissident republican activist. While the PIRA did not comment or deny involvement, media reports attributed these crimes to the group.

More than 10 deaths in Northern Ireland during the year were attributed to feuding among the principal loyalist paramilitary groups. Victims included reputed members of key loyalist paramilitaries, including Ulster Volunteer Force (UVF) leader Richard Jameson.

In August the feud between the UFF/UDA and the UVF intensified when a display of strength by the UFF/UDA on the Shankill Road in Belfast led to gunfire and attacks on houses. During the following week, Bobby Mahood and Jackie Coulter (the latter connected with the UFF) were shot and killed, as was Sam Rocket, a UVF supporter. In August the Government revoked the release of Johnny Adair, a leader of the loyalist UFF who had benefited from early release in October 1999, for his role in the violent feuding. Subject to the approval of the Sentencing Board, the Government is recommending that Adair serve the duration of his original prison term. In December the factions announced a "truce."

Although a number of suspects were questioned, no one was charged with the murder of lawyer Rosemary Nelson, who died in a car bomb attack in 1999. The Red Hand Defenders, a loyalist splinter group, claimed responsibility, and human rights groups continued to express concern about alleged police collusion in the mur-

der. Nelson, known for taking on high-profile civil rights cases, claimed as early as 1997 that RUC officers made death threats against her.

In December 1999, a coalition of six human rights organizations stated that Nelson's death constituted a failure by the Government to meet its international obligations to ensure that lawyers are able to perform their jobs without fear for their safety. These organizations called for a full public inquiry into all the circumstances of Nelson's murder. In his April 2000 report to the U.N. Commission on Human Rights, the Special Rapporteur on the Independence of Judges and Lawyers expressed concern over the extent and thoroughness of the official investigation into Nelson's complaints of RUC threats.

Cognizant of the controversy surrounding Nelson's case, in 1999 the RUC appointed Deputy Chief Constable of Norfolk Colin Port to take over the investigation of the murder. Port's 80-member investigative team interviewed 7,000 potential witnesses. In March police made the first arrest of the case, questioning a man who was a member of the Royal Irish Regiment at the time of the murder; he was charged with an unrelated offense. In May the Independent Commission for Police Complaints (ICPC) ruled that there was "insufficient evidence" to discipline the RUC officers accused of threatening Nelson. In August Port appeared on the television program "Britain's Most Wanted" to appeal for individuals with information relating to the murder to come forward.

No one has been charged in the UK for the 1998 bombing in Omagh that killed 29 persons. The RIRA claimed responsibility for the bombing. While authorities have collected information that identifies individuals alleged to be responsible for the bombing, much of it cannot be used as evidence. In October news organizations identified the alleged perpetrators, which prompted complaints from victims' families that a future trial could be jeopardized. Witnesses who could make prosecution possible have been reluctant to come forward. Family members of victims have criticized Sinn Fein for refusing to assist in the police investigation. While over 20 suspects were detained, only 1, Colm Murphy, was charged (for aiding and abetting the crime) and faces trial in the Republic of Ireland.

In September a Belfast coroner conducted a public inquest into the Omagh bombing. Unlike inquests in England and Wales, coroner's courts in Northern Ireland do not reach verdicts apportioning blame, but instead make "findings" confined solely to the facts surrounding violent, sudden, or unexplained death. Human rights groups have argued in other inquests that this narrow definition shields wrongdoers, including soldiers and police officers, and unnecessarily keeps family members from learning the truth of the circumstances regarding their relative's death.

Human rights groups continued to call for an independent inquiry into the December 1997 killing of Billy "King Rat" Wright, leader of the Loyalist Volunteer Force, in the high security Maze Prison by members of INLA. The facts of the killing call into question the prison's security standards: The watchtower in the courtyard where the killing took place allegedly was unmanned at the time, the perpetrators had weapons smuggled to them, and they apparently had knowledge of Wright's whereabouts. The jury at the coroner's inquest in February 1999 stated that "person or persons unknown and undetected" were involved. In July the Government refused "on security grounds" to answer a parliamentary question about the identity the official in charge of the prison on the day of Wright's murder.

In June a Belfast coroner abandoned plans for an inquest into the 1997 death of Robert Hamill. Hamill's case received widespread attention because four RUC officers in a nearby vehicle allegedly did not act while Hamill was beaten to death by a mob. The coroner said that he feared that key witnesses would be in danger if they were called to give evidence. In 1999 one of the six suspects was acquitted of the killing but found guilty of a minor offense. The trial judge expressed concerns about the inaction of the police. Human rights groups argue that the RUC had intervened successfully in similar circumstances in the past. Moreover, they charge that the RUC's failure to intervene made the identification and prosecution of the murderers more difficult. The police ombudsman was directing the police investigation at year's end. Irish Prime Minister Bertie Ahern called for an independent public inquiry. The family provided the Government with evidence that it says makes a definitive case for such an inquiry.

The investigation into the 1989 murder of defense attorney Patrick Finucane continued. Finucane was killed in front of his family by members of the Ulster Defense Association (UDA). Human rights organizations have alleged security force collusion in the murder. In July two RUC officers were arrested and questioned about the murder, which was being reviewed in a third round of independent investigations by the Commissioner of the Metropolitan Police, Sir John Stevens. In August the inquiry seized documents related to the case from the British Army. William Stobie was arrested in 1999 and charged with the murder, although in August the charges

were reduced to aiding and abetting murder. Stobie has claimed he was an RUC informer at the time of Finucane's murder and said he warned police of a "hit" by the UDA, although it was unclear whether he knew Finucane was the target. Human rights organizations, the U.N. Special Rapporteur on the Independence of Judges and Lawyers, and Finucane's family continued to press the Government for an independent public inquiry into the killing. They cited the possible existence of new evidence that would support charges of collusion between government officials and loyalist paramilitary groups in Finucane's murder.

While British Army regulations normally bar from service those guilty of "serious crimes," Scots Guards Jim Fisher and Mark Wright continued to serve in their regiment, to which they were reinstated in 1998 after being convicted of and serving time in prison for the 1992 murder of Peter McBride. In 1999 McBride's family won a judicial review against the British Army Board that sanctioned the soldiers' reinstatement. In November the board reaffirmed its decision, allowing the pair to remain in the service.

Former Chilean President Augusto Pinochet left the UK on March 2 after Home Secretary Jack Straw announced that he would not extradite Pinochet to Spain for alleged human rights abuses because he was too ill to stand trial.

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

The Commission for the Location of Victims' Remains was established jointly by the British and Irish Governments in 1999 to facilitate the location of the remains of nine victims of IRA paramilitary violence from the 1970's. The commission succeeded in locating the remains of three persons in 1999, but suspended its work in May, pending the receipt of additional information from the IRA. Work had not resumed by year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law forbids torture and other cruel, inhuman, or degrading treatment; however, individual members of the police occasionally abused detainees. Human rights organizations maintain that such abuse, while not widespread, is a matter of serious concern (see Sections 1.a. and 5). Detainees who claim physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions.

Reports by official bodies and nongovernmental organizations (NGO's) have suggested that the public lacks confidence in existing procedures for making complaints against the police. According to a February 2000 Council of Europe committee report, more complainants have been taking their cases to the civil courts rather than filing complaints. The report states that even where complaints are filed and point to likely police culpability, criminal or disciplinary action against police officers has been rare, and convictions or disciplinary action even rarer; in many cases, police officers under investigation took medical retirement. According to the report, of 36,731 complaints recorded in the 1996–97 period studied by the committee, only 141 resulted in legal or disciplinary action (latest statistics available). While accepting the need for reform of the complaint procedures, the Government disputed some of the conclusions reached in the report, pointing out that it omitted to mention over 1,000 disciplinary actions taken and the informal resolution of 32 percent of cases to the satisfaction of the complainants.

Following these reports, the Government has engaged in an ongoing process to reform the police complaints system. In 1999 the Government phased in new complaint procedures. Among other things, the new procedures instituted a formal written warning procedure in serious cases and lowered the burden of proof in civil misconduct proceedings. In May 2000, the Home Office published a consultation document based on two separate studies conducted by a management consulting firm and a human rights group. The paper recommended that complaints against the police be handled by a new body, whose name would better reflect its independent nature than the current Police Complaints Authority. It also recommended that the new body have the ability to independently investigate the most serious complaints, including deaths in custody. The Home Office, after receiving and incorporating feedback on its May paper, issued a further report in December on its proposed framework for a new police complaints system, much of it based on the two groups' recommendations.

Two RUC officers, Michael Magowan and Darren James Neill, were convicted and imprisoned in May for the 1998 assault on 18-year-old Bernard Patrick Griffin. Griffin, a Catholic, was arrested, beaten, verbally abused, and threatened. Griffin was then charged with assault. The truth emerged when a third officer present, Andrew Lea, confessed to his superiors; Lea was fined \$1,600 (1,000 pounds). Magowan and Neill received 1- and 2-year sentences, respectively, and face RUC disciplinary charges of criminal conduct, which could result in dismissal.

The Police Ombudsman for Northern Ireland began operation in November. The ombudsman has extensive powers to investigate complaints in Northern Ireland filed against the police or referred by the RUC Chief Constable, the Police Authority of Northern Ireland, or the Secretary of State for Northern Ireland. The ombudsman is to supervise automatically cases involving death or serious injury and may investigate other cases. The ombudsman can recommend to the Director of Public Prosecutions (DPP) that charges be brought against officers, although the final decision rests with the DPP. The ombudsman can direct the Chief Constable to take disciplinary action against police officers. Unlike the ICPC, which must rely on the complaints and discipline branch of the RUC to provide investigators, the ombudsman has an independent investigative staff.

Prior to being replaced by the ombudsman in November, the ICPC received 2,036 complaints; in November and December the ombudsman received about 540 complaints. In addition 2,396 cases were passed on from the ICPC to the ombudsman. Of the 2,390 cases completed by both organizations during the year, 7 led to informal disciplinary action and 9 led to formal criminal charges.

Legislation implementing the 1999 Patten Report on Policing in Northern Ireland was enacted in November. The law changes the operational name of the RUC to the Police Service of Northern Ireland (PSNI), imposes hiring quotas to increase Catholic representation in the service (now only 8 percent of the total), and introduces new human rights standards and wider use of community policing practices. The law establishes a new policing board comprised of 9 public members and 10 political party representatives from the Assembly. The reform remains controversial. Chris Patten, author of the original recommendations, has endorsed the bill and urged full participation in the new institutions. However, the nationalist parties object to the bill for not strictly following all recommendations of the Patten Commission, while unionist critics argue that reforms will undermine the effectiveness of the police. By year's end, the impasse over implementation had not been resolved.

The Independent Assessor of Military Complaints continued to coordinate investigations into complaints of abuses committed by the Army in Northern Ireland. During the year, some 20 formal and 550 informal complaints were received; most involved allegations of verbal abuse or excessive helicopter flights adjacent to residential areas.

The police and military in Northern Ireland continued to use plastic bullets to quell civil disturbances. The Patten Commission recommended the use of plastic bullets "only as a last resort, short of the use of firearms" and recommended that the Government conduct research to find "an acceptable, effective and less potentially lethal alternative" to plastic bullets. The Government accepted these recommendations. New guidelines mandate that plastic bullets only be used to avert the risk of loss of life or serious injury; formerly, their use was sanctioned to protect property or to preserve the peace. During disturbances in July, the police relied on water cannons to repel a disorderly crowd.

In total the security forces fired 25 plastic bullets during the year, compared with 111 in 1999. According to RUC rules, plastic bullets should be aimed below the rib cage; nevertheless, the use of plastic bullets in prior years resulted in 17 deaths and numerous head and upper body injuries. Plastic bullet use in Northern Ireland is criticized severely by human rights monitors, although the European Court of Human Rights ruled in 1984 that using them to quell serious riots did not contravene the European Convention on Human Rights. The U.N. Committee Against Torture, the European Parliament, and human rights NGO's have called for a ban on their use.

The Patten Commission recommended the closure "forthwith" of Northern Ireland's three holding centers used to detain and interrogate individuals suspected of terrorist offences. Human rights organizations have long called for their closure because of repeated complaints of police mistreatment during interrogations. One facility, at Castlereagh, was closed in 1999, and a second, Strand Road, was closed in September; the RUC contends that it cannot quickly close the third center, Gough, because it lacks the capacity in existing police stations to cope with the demands of questioning hundreds of terrorist suspects per year. Audio and video recordings are now made of all interrogations in the holding centers, and the number of complaints against the police by persons arrested under emergency legislation has diminished significantly.

The independent commissioner for holding centers in Northern Ireland made unannounced visits to holding centers in order to observe interrogations and interview detainees. The number of complaints, generally for verbal harassment or "technical assault," dropped substantially.

David Adams was assaulted during his arrest and initial incarceration at the Castlereagh interrogation center in 1994. In 1998 a Belfast court awarded Adams

\$48,000 (30,000 pounds) for exemplary damages. Adams later was sentenced to 25 years for conspiracy to murder. Following the court decision on damages, an independent inquiry into Adams's treatment was initiated by the assistant chief constable of Strathclyde. On the basis of his report, the DPP declined to pursue charges against any of the officers involved. An application by Adams for judicial review of the DPP's decision was denied in June.

Police occasionally harassed Travellers and members of other minorities. Separate 1999 and 2000 reports pointed out that minorities are more likely to be stopped and searched than whites. In 1999 the Home Secretary ordered the police to recruit 8,000 officers from ethnic minorities within 10 years. In response the London Metropolitan Police increased recruitment of minority officers and hired additional recruits in 1999, which brought the total number of minority officers to less than 4 percent of the force. However, one-third of UK police forces have recruited no additional minorities.

The armed forces have a procedure to handle complaints of harassment, racial and otherwise. Service personnel also have the right to submit complaints to employment tribunals. In 1998 the services entered into a 5-year partnership agreement with the Commission on Racial Equality (CRE) to promote racial equality practices. During the year, the armed forces registered 77 internal harassment complaints, including 28 for sexual harassment, 9 for racial harassment, and 31 for bullying or other harassment.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out "punishment" attacks on victims who live in areas under paramilitary influence. The attacks often are intended to maintain or extend the control of paramilitary groups in a given region. Targets include group members who have broken ranks or individuals accused of "antisocial" activities such as drug trafficking or carjacking. The attackers have used iron pipes, baseball bats, sledgehammers, and spiked clubs to beat their victims and shot them in the knees and legs. The authorities recorded over 200 such incidents during the year. Human rights groups say that available statistics underreport the true number of casualties because many of the victims are too intimidated to report paramilitary punishment attacks.

A bomb damaged Hammersmith Bridge in London in June. In September terrorists fired a missile, believed to be a rocket propelled grenade, at the MI-6 building, headquarters of Britain's Secret Service. Neither attack resulted in injuries, and no one publicly claimed responsibility.

Prison conditions generally met minimum international standards. The chief inspector of prisons' annual report expressed disappointment that prison management had failed to recognize and eliminate problems independently or to followup on negative reports in previous years. The inspector described the treatment of prisoners and the conditions in several prisons as unacceptable, but noted some improvements in other institutions. The Prison Service made attempts to correct the problems of overcrowding and poor facilities maintenance in its prisons, through an investment of some \$1.72 million (1.1 million pounds) in maintenance projects during the 1999-2000 period and a reduction in the number of prisoners required to "double up" in cells through the addition of 500 new places. In August the deputy governor at Feltham, a juvenile prison, resigned in protest over what he termed dangerous and antisocial conditions. An October Prison Service report criticized procedural failures at Feltham in the case of Zahid Mubarek, an Asian man who was beaten to death by a fellow inmate, Robin Stewart. Stewart had been charged with racially motivated crimes and continued to write racist letters from prison, but nonetheless was housed in the same cell with Mubarek. In August four warders at the Portland Young Offenders Institute were suspended from their duties pending investigation of allegations of abuse over a 14 year period. The prison population in England and Wales as of December decreased by 2 percent over the same time the previous year from 65,279 inmates to 63,881.

Prison suicides decreased during the last year. The Prison Service reported 139 deaths of prisoners in England and Wales during the year, compared with 148 such deaths in 1999. Of these deaths, 82 were self-inflicted (91 in 1999) and 54 were due to natural causes (57 in 1999). The Scottish prison service reported 19 deaths in custody in 2000: The causes of 13 were unresolved pending the results of routine inquests, 5 were suicides, and 1 was due to natural causes.

Human rights groups have been particularly critical of Special Security Units (SSU's), which are used to hold prisoners deemed to pose an exceptional risk of escape. Citing small group isolation, the lack of adequate exercise, work, educational opportunities, and natural daylight, as well as strict enforcement of noncontact visits through a glass barrier, human rights groups maintain that SSU imprisonment

violates international standards. At year's end, 7 prisoners remained in SSU's; none was imprisoned for Northern Ireland terrorist-related crimes.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland Office and the Scottish Office.

The number of female prisoners continued to rise. According to a 1999 Home Office report, women now commit 20 percent of all crime, and the number of women sent to prison doubled in the previous 6 years. Implementing the recommendations of a 1999 report by its women's policy group, the Prison Service adopted new procedures governing admission to mother and baby units and standards for their management.

Faced with a large increase in the number of asylum seekers, the Government in December housed 1,195 immigration detainees in regular prisons, where normally they are held separately from convicted prisoners and prisoners awaiting trial. According to human rights groups, 28 regular prisons house some immigration detainees. The U.N. High Commissioner for Refugees (UNHCR) and other groups cite a lack of specialized skills among regular prison officials in dealing with immigration detainees. The UNHCR, which regularly visits detention centers and has excellent relations with the Government and detention center officials, continues to criticize the Government's "expectation of noncompliance" by asylum seekers. In March the Government opened a new center to house asylum seekers for short periods while their cases are decided. The Home Office was also in the process of finalizing rules for the treatment of asylum seekers in detention centers, which has been called for by the chief inspector for prisons for England and Wales.

The Prison Service stated that three prisoners were convicted in 1999 of offenses related to the situation in Northern Ireland. The requests by all three for repatriation to the Republic of Ireland remained under consideration. Since the prisoners committed their offenses after the signing of the Good Friday Agreement, they are not covered by its provisions for the early release of prisoners.

The Government permits human rights monitors to visit prisons and immigration detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The authorities can and often do make arrests or detain suspects without judicial warrants, especially in Northern Ireland, when they believe that they have reasonable cause to suspect wrongdoing. The 1994 Criminal Justice and Public Order Act allows police officers to stop and search vehicles and pedestrians if a police officer of at least superintendent rank (or a chief inspector if no superintendent is available) "reasonably believes" it is expedient to do so to prevent acts of violence. The authorization is limited to a 24-hour period but is renewable under certain circumstances.

In July Parliament enacted the 2000 Terrorism Act, which is scheduled to come into force in February 2001. The law reforms mechanisms and powers used to deal with terrorism relating to Northern Ireland and extends them to all forms of domestic and foreign terrorism across the United Kingdom. It replaces the Prevention of Terrorism (Temporary Provisions) Act of 1989, the Northern Ireland (Emergency Provisions) Act of 1996 (Amended in 1998), and sections of the Criminal Justice (Terrorism and Conspiracy) Act of 1998, incorporating many provisions of those acts into the new law. Certain other provisions of those laws, applicable only to Northern Ireland, are to be extended for a maximum of 5 years, based on the special security situation that continues to exist there.

The new act widens the definition of terrorism to include actions or threats of action that are designed to influence the Government or intimidate the public to advance a political, religious, or ideological cause that involves serious violence against a person or serious damage to property, endangers a person's life, creates a serious risk to the health or safety of the public, or is designed to seriously interfere with an electronic system. It gives police the power to arrest and detain suspected terrorists for up to 48 hours without judicial review, or, under limited circumstances, legal representation. Under the law, the Government may ban organizations involved with any form of international or domestic terrorism and prosecute individuals who participate in or support such organizations. The law also enhances the Government's power to seize assets related to terrorist activities.

The act also provides for special emergency powers applicable to Northern Ireland for a period of up to 5 years maximum—or less if the Secretary of State for Northern Ireland determines that the security situation allows it. These powers include special entry, arrest, search, and seizure authority without a warrant under certain circumstances, nonjury, single-judge "Diplock Court" trials for "scheduled" offenses, and a lower standard of admissibility of confessions than in ordinary courts.

Human rights groups, including Amnesty International, have expressed objections over certain temporary and permanent provisions of the new act. These objections focus on the broad definition of terrorism employed in the law, the proscriptive pow-

ers of the state, and the powers of arrest, detention, and interrogation. They argue that the act effectively reverses the burden of proof in suspected terrorism cases and fails to provide adequate safeguards against abuse by law enforcement officials.

Suspects arrested without warrants must be released within 24 hours (or 36 hours if a serious offense is involved) unless brought before a magistrates' court or arrested under Terrorism Act provisions. The court may authorize extension of detention by 36 hours and on further application by another 24 hours, versus the 48-hour scheme extant in Northern Ireland (see Section 1.e.).

Defendants awaiting trial have a statutory right to bail unless there is a risk that they would flee, commit an offense, interfere with witnesses, or otherwise obstruct the course of justice, or unless they were on bail when the alleged offense was committed. Defendants who are remanded in custody are protected by statutory custody time limits, which restrict the period for which they can be held while awaiting trial to a maximum of 182 days, unless the court grants an extension. According to data supplied by the Home Office, at year's end 6,791 defendants were in custody awaiting trial. Of those in custody, 6,094 had been awaiting trial for less than 24 weeks, while 196 had been waiting longer than 48 weeks. On balance the time spent awaiting trial decreased from 1999. The 1998 Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The law gives administrative detention power to immigration officers. There is no time limit to such detention and no right to have it reviewed by a court. At year's end, approximately 1,500 asylum seekers were detained. They are detained either in immigration detention centers or in regular prisons (where they are normally held separately from convicted prisoners and those awaiting trial). Occasionally they are held in police cells, if for no more than 48 hours and pending removal from the country or transfer to another accommodation (see Section 1.c.).

Unlike those accused of criminal offenses, asylum seekers are given no written statement about why they were detained, although the practice is to provide them with updates on the status of their claims and the time required for their adjudication. Asylum seekers do not have an automatic right to apply for bail, and bail application, which can be made to immigration appellate authorities, requires a relatively high level of surety.

The Government does not use exile (also see Section 2.d.).

Paramilitary organizations in Northern Ireland also continued to threaten individuals and families to compel them to leave the province. Estimates of the number of people who fled into exile since the signing of the Good Friday Agreement in 1998 range as high as 800.

e. Denial of Fair Public Trial.—The judiciary is independent and provides citizens with a generally fair and efficient judicial process.

There are several levels of courts. The vast majority of criminal cases are heard by magistrates' courts, which are managed by locally based committees. Their decisions may be appealed to the Crown Court, which also hears criminal cases requiring a jury trial, or to the High Court. Crown Court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the House of Lords. The Appellate Committee of the House of Lords (which consists of senior judges and is functionally distinct from the legislative arm) is the final court of appeal. The Criminal Cases Review Commission (CCRC) operates as an additional appellate body to investigate suspected miscarriages of justice in England, Wales, and Northern Ireland. It considers cases after the judicial appeals process is exhausted and where there is significant new evidence that casts doubt on the conviction. In Scotland similar appeals may be made to the Scottish Office.

The law provides for a fair trial, and the authorities respect and enforce the law in this regard. Defendants enjoy a presumption of innocence until proven guilty, the right to question witnesses against them, and the right to appeal to successively higher courts.

The 1998 Human Rights Act took effect in October, bringing the European Convention on Human Rights into British Law (see Section 4). Under this law, all public bodies must act in a manner compatible with the convention. The law provides citizens with the right to take alleged violations of the convention by a public authority into British courts. The Government derogated from Article 5(3) of the convention, dealing with the prompt resolution of a case after arrest or detention and included this derogation in the Human Rights Act. NGO's criticize this derogation.

In July Parliament passed the 2000 Terrorism Act, which replaced several other related laws (see Section 1.d.). Under the new law, the testimony of a senior police officer, corroborated by a suspect's silence under questioning, can be considered evidence of a suspect's membership in a terrorist organization. The act also criminalizes membership in a proscribed terrorist organization or the support of such an or-

ganization, including the provision of money or other property. The act allows for the seizure and forfeiture of assets belonging to a person convicted of fundraising or otherwise assisting or supplying property to be used for the purposes of terrorism. Human rights groups, including Liberty, have criticized the criminalization of membership in a terrorist organization as violating the right to freedom of expression and association.

Under the 1994 Criminal Justice and Public Order Act, judges have the power to instruct juries that they may draw an inference of guilt from a defendant's refusal to answer questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee sharply criticize this provision, which they consider an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland. Based on a 1996 European Court of Human Rights judgment, the 1999 Criminal Evidence (Northern Ireland) Order codifies guidelines issued by the Attorney General that prohibited the drawing of inference from silence when a suspect is questioned before being permitted access to an attorney.

Indigent defenders have the right to free counsel of their choice, with some exceptions. Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

In Northern Ireland, special "emergency" restrictions affect due process. The 2000 Terrorism Act extends the application of most provisions of the 1991 Northern Ireland Emergency Provisions Act (EPA) for a year, subject to another 12-month extension. Trials for certain terrorist-related offenses are conducted automatically in "Diplock courts" without a jury unless they specifically are "scheduled out" to ordinary jury courts. Diplock courts were established to avoid cases being heard by juries that might make decisions along sectarian lines, as well as to protect jurors from intimidation. If judges decide to convict, they must justify the decision in a document that becomes part of the court record. An appellate court may overturn the decision on either factual or legal grounds. During the year, 89 persons were tried in Diplock courts, of whom 39 either pled or were found guilty. An internal review of the Diplock court system was completed in July. It concluded that, due to the risk of juror intimidation, the time was not yet right to achieve the Government's objective of resuming jury trials for all offenses. The Government accepted this conclusion. The Diplock courts, and the Government's latest decision to retain them, have been criticized widely by human rights groups.

Provisions of the EPA extended under the Terrorism Act establish lower standards for the use of uncorroborated confessions in Northern Ireland than in normal cases, and such confessions have in the past been used as the sole basis for conviction. Additionally, these provisions permit the police to prevent any suspected terrorist from contacting legal counsel for up to 48 hours after arrest under certain circumstances, at the request of a police officer with the minimum rank of superintendent. After a detainee has asked to see a lawyer and has done so, this period is renewable in subsequent 48-hour increments until the detainee is charged or released. Human rights groups have criticized these provisions, arguing that a detainee is most likely to need counsel in the first few hours; lack of counsel during that time makes false or coerced confessions and the abuse of detainees more likely. According to the Northern Ireland office, 92 requests for access to lawyers were made through June, none of which were delayed.

The 1996 Criminal Procedures and Investigations Act reduced defense lawyers' access to potential evidence held by the prosecution, including information as to how the evidence was collected. According to the Committee on the Administration of Justice, a local NGO, this practice may be contrary to U.N. guidelines on the role of prosecutors.

In light of allegations of security force collusion in the killings of Patrick Finucane and Rosemary Nelson (see Section 1.a.), there is continuing concern about harassment of lawyers by members of the RUC. The Human Rights Commission and the Law Society (the solicitors' professional association) received complaints from attorneys during the year and were considering undertaking a study to assess the full extent of the problem, since there is evidence that the number of incidents is underreported. The RUC maintains that it has zero tolerance for misbehavior toward attorneys and specifically has addressed the issue in its new code of ethics.

In March a nine-member panel of legal professionals, drawn from the civil service and private practice, issued the Northern Ireland Criminal Justice Review, which was mandated by the Good Friday Agreement. The review's 294 recommendations are intended to improve the criminal justice system so that it will enjoy the confidence of all parts of the community while delivering justice efficiently and effectively. The report recommends the creation of a single independent prosecuting au-

thority called the Public Prosecution Service for Northern Ireland that would be responsible for all prosecutions, including minor offences that are now prosecuted by the police. The review also recommends creation of a nonpolitical Northern Ireland Attorney General to oversee the Prosecution Service. It calls for the establishment of a single minister-level Department of Justice once responsibility for justice is devolved to Northern Ireland. To ensure that judicial appointments faithfully reflect the composition of Northern Ireland society, the review recommends the establishment of a Judicial Appointments Commission, which would include input from the First Minister and Deputy First Minister, to introduce local political responsibility and accountability into the appointments process. The review also makes recommendations on restorative justice, juvenile justice, community safety, victims and witnesses, and sentencing and prisons.

During a 6-month consultation period ending in September, the Government accepted comments on the review from human rights NGO's and political parties. In October the Government stated that it fully endorses the general approach taken in the report. Legislation is expected in 2001.

In accordance with the Good Friday Agreement, the Government concluded the process of releasing prisoners affiliated with paramilitary organizations that maintained a cease-fire. By year's end, 433 paramilitary prisoners, including 229 republicans and 193 loyalists (and 11 "others") had been released under the 1998 Northern Ireland (Sentences) Act, commonly referred to as the early release program.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Warrants normally are required for a police search of private premises; however, under the 2000 Terrorism Act a police officer may enter and search "any premises if he or she reasonably suspects a terrorist is to be found there." The Government compensates persons whose houses or property have been damaged during house searches.

In July the Regulation of Investigatory Powers Act (RIPA) became law. The RIPA allows the Government to monitor the content of private electronic communications after obtaining a warrant. In addition law enforcement agencies may require individuals and businesses to disclose encryption keys under certain circumstances. In October the Government enacted regulations under the RIPA allowing businesses to monitor the electronic communications of employees. The regulations are expected to be challenged under the Human Rights Act.

In Northern Ireland, paramilitary attacks on the homes and families of police and politicians decreased significantly, but the security forces believe that such groups continue to conduct surveillance and retain the capability to target police and politicians.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Strongly held common-law tradition, an independent press, and a democratic political system combine to secure freedom of speech and of the press. Viewpoints critical of the Government are well represented.

The print media are dominated by a handful of national daily newspapers, all privately owned and independent (although often generally aligned with a political party). About half of the electronic media are run by the British Broadcasting Corporation (BBC), which is funded by the Government but enjoys complete editorial independence. Corporations under renewable government license run the remainder.

In May Barry Michael George was charged with the 1999 murder of Jill Dando, a leading television personality. George, whose trial was scheduled for February 2001, was believed to have been obsessed with Dando.

Press organizations and human rights groups continued to criticize the 1981 Contempt of Court Act, which allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice. The 1984 Police and Criminal Evidence Act also contains provisions that compel journalists to give evidence in cases where police can prove it is necessary to their investigation. The Official Secrets Act, another law cited by journalists as unduly restrictive, prohibits the defense that the information is already in the public domain or that its publication is in the public interest.

In November Parliament passed the Freedom of Information Act (FIA). The FIA provides for public access to information held by the government. Certain information, including information related to the Security Service and Secret Intelligence Service, is subject to an absolute exemption from disclosure. In addition, the Government may refuse to disclose other "exempt" information, including information relating to national security and the operation of any ministerial private office, if the public interest in maintaining the exemption outweighs the public interest in

disclosure. Critics, including the NGO Campaign for Freedom of Information, charge that the exemptions are overly broad.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of peaceful assembly, but that right is limited routinely where it would impose a cost on public convenience. Police dispersed a May 1 anticapitalist demonstration in London after participants rioted, stoned police, and damaged cars and businesses. Several persons were injured, and a number of protesters arrested.

In Northern Ireland the annual “marching season” posed significant problems for the Government since the right of assembly conflicted with the concerns of local residents in some communities who perceived the parades as the celebration of Protestant “triumphs” in historical battles. The 1998 Public Processions (Northern Ireland) Act transferred responsibility for ruling on disputed marches from the RUC to a Parades Commission. Of the 3,304 parades held during the year, 260 were considered contentious. Of these the Parades Commission imposed restrictions on 188. The courts refused the Orange Order’s bid for a judicial review of the act. The Orange Order claimed that the law’s provisions violated the Human Rights Act’s provisions for freedom of speech and assembly.

In response to the Parades Commission’s decisions in June and July not to allow the Orange Order parade down the nationalist Garvaghy Road in Portadown, the Orange Order called for widespread protests throughout Northern Ireland. Loyalist demonstrators blocked streets, and some hijacked and burned cars; the protests caused widespread disruption, and businesses were forced to close early. The two parades at Drumcree on July 2 and 9 took place relatively peacefully amid a massive security presence, but on several intervening evenings loyalist protesters on Drumcree Hill became violent and attacked police and army security forces. The Portadown Orange Lodge called for peaceful protests but did not condemn the violence. The Apprentice Boys’ Siege of Derry parade on August 12 largely was peaceful.

The law provides for freedom of association, but that right is sometimes limited. Under the 2000 Terrorism Act, it is an offense, punishable by up to 10 years’ imprisonment, to belong to or profess to belong to an organization proscribed by the Home Secretary. Individuals are also subject to prosecution for supporting or inviting support for a proscribed organization, arranging or addressing meetings by proscribed organizations, or wearing clothing or carrying or displaying articles that would reasonably arouse suspicion of membership in a proscribed organization. Amnesty International has expressed concern that these powers may infringe on the rights to freedom of association and expression.

c. Freedom of Religion.—Government policy provides for freedom of religion, and the Government generally respects this right in practice. Members of all faiths and denominations enjoy freedom of worship. The Human Rights Act prohibits discrimination on the basis of religion. Those who believe that their freedom to worship has been abrogated have the right to appeal to the courts for relief. The Church of England (Anglican) and the Church of Scotland (Presbyterian) have the status of state religions, although their status has come under increasing scrutiny. A January university report on religious discrimination commissioned by the Home Office claimed that the establishment of the Church of England causes “religious disadvantage” to other religious communities. The Home Office at year’s end still was considering the report.

The Church of Scientology asserts that it faces discrimination because the Government does not treat Scientology as a religion. Ministers of Scientology are not regarded as ministers of religion under prison regulations or for immigration purposes. In 1999 the independent Charity Commission rejected a Church of Scientology application for charitable tax status accorded to most religious groups, and concluded that it is not a religion for the purposes of charity law.

The 1988 Education Reform Act requires that government schools hold a daily act of nondenominational Christian worship. A parental right of withdrawal exists for children who do not wish to participate, and safeguards exist for teachers who do not wish to participate in or conduct religious education. The act provides for alternative collective worship for other faiths. Teachers’ organizations have called for government review of the act. Some “voluntary schools” provided by religious groups enjoy state support. While the majority of these schools are Anglican or Catholic, there are a small number of Methodist and Jewish schools.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation. In 1997 the Home Secretary revoked all exclusion orders preventing individuals linked to terrorism in Northern Ireland from traveling to Great Britain. When the Prevention of Terrorism Act was renewed in

1998, it did not include provisions for exclusion orders. However, the Home Secretary has the power to activate other statutes implementing exclusion orders at any time.

The Government cooperates closely with the UNHCR and other humanitarian organizations in assisting refugees. First asylum is provided under a temporary protection process. Applicants are given 6 months' "leave to enter the country" on arrival. They then can apply for an automatic 3-year extension of their stay and may apply for refugee status at any time. Asylum applications are considered in accordance with the criteria set out in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Some asylum seekers are detained while the Government reviews their cases (see Section 1.d.); some are detained in regular prisons (see Section 1.c.).

Faced with growing numbers of asylum applicants, the Government passed legislation in 1996 and 1999 designed to deter illegal entrants and the abuse of the asylum process, streamline the appeals process, and restrict benefits provided to asylum seekers. In December the Government issued guidelines for use by the courts in considering asylum claims by women. Judges were urged to consider forms of persecution more likely to be faced by female asylum applicants, including female genital mutilation and forced prostitution. The Government's policy, and the 1999 Immigration and Asylum Act in particular, have been criticized by the UNHCR and NGO's for being detrimental to refugee rights. In particular Amnesty International in a September report claims that the Government's practice of dispersing asylum seekers throughout the county and issuing them vouchers for the purchase of food and other items stigmatizes asylum seekers and denies them access to community services.

At year's end, 66,195 asylum applications were outstanding, compared with 101,475 outstanding a year earlier. The Government decided on 110,065 initial asylum applications, granting asylum in 10,185. Under a special program to clear the asylum backlog, the Government also granted leave to remain in 10,330 cases. An additional 11,365 cases were refused asylum, but were granted "exceptional leave to remain."

There were no reports that persons were forced to return to countries where they feared persecution.

Feuding among loyalist paramilitary groups resulted in the expulsion of over 200 families from their homes in the Shankill region of West Belfast as each group sought to expel from the neighborhood families allegedly sympathetic to their rivals. This scale of violent eviction had not been experienced in Northern Ireland since 1972.

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

Citizens have the right to change their government and freely exercise that right. The lower chamber of Parliament (the House of Commons, the center of legislative power) is elected in periodic, multiparty elections. The upper chamber (the House of Lords), with the power to revise and delay implementation of laws, is made up of hereditary and appointed life peers and senior clergy of the established Church of England. In the first stage of a government reform program, the House of Lords agreed in 1999 to remove all but 92 of its over 900 hereditary peers who, with approximately 500 life peers and 26 clergy, make up the current House of Lords. Possible additional reforms are being debated, which would further reduce the size of the chamber, democratize selection of members, and add representatives of faiths other than Anglicanism as *de jure* members.

The Government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every 5 years. Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. As in the rest of the country, Northern Ireland has city and district councils but with fewer powers. England and Wales also have County Councils. The Northern Ireland Assembly, the Scottish Parliament, and the Welsh Assembly have control over matters of regional importance, such as education, health, and some economic matters. Foreign affairs and defense continue to be the responsibility of the central government.

Due to continuing problems with the decommissioning of paramilitary weapons, the Northern Ireland Assembly and Executive (established under the terms of the Good Friday Agreement) were suspended in February. The institutions were restored in May following intensive British-Irish talks with the parties and an initiative on weapons by the IRA.

The small number of remaining UK overseas territories have an aggregate population of approximately 190,000. They enjoy varying degrees of self-government on the British model, with appointed governors.

Women are underrepresented in government and politics, although they and minorities face no legal constraints on voting or holding office. Women constitute 18 percent of the members of the House of Commons and approximately 16 percent of those in the House of Lords. Some 28 Members of Parliament have identified themselves as members of minority ethnic groups.

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

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

A number of international nongovernmental human rights organizations, including Amnesty International and Human Rights Watch, are based in the country. The Government cooperates fully with international inquiries into alleged violations of human rights.

The 1998 Human Rights Act, which incorporated the provisions of the European Convention on Human Rights into domestic law, took effect in October 2000 for the entire United Kingdom. Proceedings under the Human Rights Act can be brought only by victims of a breach of convention rights by a public authority. The Home Office has a human rights unit to carry out human rights policy and legislation. NGO's have criticized the Government for its failure to create a government-wide Human Rights Commission. In Northern Ireland the Human Rights Commission was established as an outcome of the peace process. While cases still may be taken to the European Court of Human Rights, all domestic remedies under the 1998 act must be exhausted first.

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

The 1976 Race Relations Act prohibits discrimination on the basis of race, color, nationality, or national or ethnic origin and outlaws incitement to racial hatred. These protections were extended to Northern Ireland in 1997. However, some groups continued to experience official and societal discrimination.

The Human Rights Act prohibits discrimination on the basis of religion by public authorities. Employment discrimination on the grounds of religious or political opinion was outlawed specifically in Northern Ireland by the Fair Employment Act. The 1998 Fair Employment and Treatment Order extended the prohibition on discrimination to the provision of goods, facilities, services, and premises. The Government respects and enforces all antidiscrimination laws, which concentrate on employment and the supply of goods and services. The Northern Ireland Equality Commission began operation in August 2000 to oversee antidiscrimination policy.

Women.—Violence against women continues to be a problem. In 1999 a government report, "Living Without Fear," indicated that one in four women experience domestic violence at some stage in their lives, that reported incidents of rape more than tripled over the past 10 years, that two women per week are killed by their current or former partners, and that women fear personal attack more than any other crime. According to a February 2000 Home Office study, the 6,000 rapes and 17,500 indecent assaults recorded by the police yearly vastly underreport of the real scale of sexual violence against women. The study estimates the true number of rapes and assaults at between 118,000 and 295,000. The research was released as part of a package of government grants and projects aimed at improving the conviction rate for rape and providing women with better protection against domestic violence. Reports of violence against women in Northern Ireland have increased.

Criminal penalties for rape, including spousal rape, sexual assault, and domestic violence are substantial, and these laws are enforced strictly; however, conviction rates for rape tend to be lower than for other crimes. In the 12 months ending in September, 37,263 sexual offences were recorded in England and Wales, a decrease of 0.4 percent over the same period in 1999. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provides shelters, counseling, and other assistance for battery or rape and offers free legal aid to battered women who are economically reliant on their abusers.

Criminal action for sexual harassment cases must be prosecuted under assault legislation since no law specifically prohibits sexual harassment. Women's groups have complained that civil suits concerning sexual harassment and discrimination

on the basis of gender sometimes take up to 3.5 years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes, but women experience some discrimination in practice. The 1975 Sex Discrimination Act, as amended in 1986, prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. According to the Government's Equal Opportunities Commission (which supports persons who bring discrimination cases before industrial tribunals and courts and produces guidelines on good practice for employers), significant progress has been made towards equal opportunity for women since the commission was established in 1975. The introduction of the national minimum wage in 1999 was an important change in the effort to equalize pay. However, a February report for the Government's Women's Unit found that women in full-time work earn on average 84 percent of the earnings of male full-time workers.

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

Women's issues within the Government are represented at the cabinet level by the Minister for Women, who heads up the Women's Unit, which engages in dialog with women and advises the Government but has no authority for direct action.

Children.—The Government demonstrates its strong commitment to children's rights and welfare through its systems of public education and medical care. The Government provides free, compulsory education to age 16 and further education to age 18 if the student so desires.

While there is no societal pattern of abuse directed against children, indications are, despite a lack of reliable data, that child abuse is nevertheless a problem. Since the paramilitary cease-fires, reports of violence against children in Northern Ireland have increased.

Concern and publicity surrounding pedophiles is growing. As part of a government drive to protect the young from child abusers, previously secret registers of pedophiles are available to any employer who runs an organization where persons under age 18 could be at risk (schools, children's homes, or voluntary organizations). In addition suspected child abusers and convicted pedophiles are banned from working with children. Childcare organizations must consult a list before offering anyone a job, paid or otherwise, and it is illegal for them to hire anyone named on it.

Various laws covering England and Wales stipulate that children have the right to apply for court orders, to give or withhold consent for medical treatment (for those capable of making an informed decision), to make complaints to the relevant local authority, to have their ethnic, linguistic, and religious background considered in decisions affecting them, to have reasonable contact with their families (usually applied in a circumstance where there was abuse), and in general to be consulted regarding their desires.

In February rules were introduced in England and Wales to reduce the intimidation that young suspects may feel when tried in an adult court. The rules include a ban on robes and wigs and uniformed security officers in the courtroom and affect all defendants under age 18 who face serious criminal charges in crown courts. The changes were in response to a 1999 European Court of Human Rights ruling that two young boys' rights were violated by the intimidating nature of their trial.

Under the Prevention of Terrorism Act, the police can arrest and detain children as young as 10 years old for up to 7 days.

In January the Government published a consultation document proposing that laws be amended to make it illegal for parents to hit their children with an implement or hit them on the head or face. It did not propose to outlaw completely spanking or hitting. The proposals are the result of a European Court of Human Rights ruling in 1998 that a 9-year-old boy's rights were violated by his stepfather's caning. The 1998 School Standards and Framework Act extended the ban on corporal punishment in state schools to private schools and nursery schools. Child welfare groups have called for all corporal punishment of children to be outlawed.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health and has been illegal in the United Kingdom since 1985, is practiced by immigrant populations from countries in which the practice is common. The extent to which the procedure is carried out in the UK is unknown, but the Government continues to work to eradicate it.

People with Disabilities.—The 1995 People With Disabilities Discrimination Act outlaws discrimination against disabled persons in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. In addition all businesses are required to accommodate disabled customers. Adaptations must be "reasonable," bearing in mind the circumstances and

size of the business. The 1993 Education Act requires local education authorities to make provision for the special educational needs of disabled children.

In April the Disability Rights Commission (DRC) was launched. The DRC provides a hot line for disabled people and employers, legal advice and support for individuals, and policy advice to the Government. The DRC also has the power to conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with law, and apply for injunctions to prevent acts of unlawful discrimination.

Government regulations require that all new buildings meet the access requirements of all persons with impaired mobility and that all taxis be wheelchair accessible. In 1992 the Government promulgated similar regulations for sensory-impaired persons. However, while generally improved, access to many buildings, especially older buildings, including transportation centers, remains inadequate.

Religious Minorities.—According to the NGO the Board of Deputies of British Jews, the number of anti-Semitic incidents in Britain during the year was 398, compared with 270 in 1999 (adjusted figure). Public manifestations of anti-Semitism are confined largely to the political fringe, either far right or Islamist. In reaction to the October violence in the West Bank and Gaza, a number of synagogues were attacked by persons throwing bricks or other objects through the windows and anti-Semitic leaflets were posted in Manchester, Birmingham, and London. A Jewish man was stabbed in London in October in an apparent racist attack.

Although there is some evidence that unemployment rates among Catholics remain higher than among Protestants in Northern Ireland, government programs and continued economic growth in the region have resulted in a decrease in the overall unemployment rate.

The 1989 Fair Employment (Northern Ireland) Act, as amended, aims to end even unintentional or indirect discrimination in the workplace, and a public tribunal adjudicates complaints. All public sector employers and all private firms with over 10 workers must report annually to the Equality Commission on the religious composition of their work force and must review their employment practices at least once every 3 years. Noncompliance can bring criminal penalties and the loss of government contracts. Victims of employment discrimination may sue for damages. Although critics of the act assert that its targets and timetables are too imprecise, most leaders of the Catholic community regard it as a positive step.

While the active recruitment of Catholics by the Northern Ireland Civil Service produced rough proportionality in overall numbers, the service acknowledges that Catholics remain significantly underrepresented in its senior grades. Government efforts to increase the recruitment of Catholics into the police (currently 92 percent Protestant) and related security jobs in Northern Ireland have been hampered by widespread antipathy in the Catholic community to the security forces as well as by intimidation by republican organizations opposed to any cooperation with the police or security forces. Despite past efforts, the percentage of Catholic officers in the force has not changed significantly. The new policing bill mandates that a 50:50 religious balance be maintained in new recruitment until the religious composition of the police reflects the mix in society at large. Critics of this approach contend that it will violate the UK's international commitments.

The fear of intercommunal violence has, over the years, led to a pattern of segregated communities in Northern Ireland. Protestant and Catholic families have moved away from mixed or border neighborhoods.

According to the RUC, there were 28 arson/bomb attacks and 3 other acts of violence directed at both Protestant and Catholic churches in Northern Ireland during the year.

National/Racial/Ethnic Minorities.—Despite legal prohibitions against race discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin and Travellers face occasional acts of societal violence and some discrimination. According to an official report in October, 21,700 racially related offenses were recorded in the 1999–2000 period. Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years' imprisonment. The Government strictly enforces the laws and regulations in this area.

In June David Copeland was convicted of a series of racially motivated bombings in London that killed three people (see Section 1.a.). In November Robert Stewart, an inmate at the Felham young offender institution, was convicted of the March murder of his Asian cellmate, Zahid Mubarek. Prior to the commission of the murder, Stewart had been charged with racially motivated offenses, and had written a number of racist letters while in prison (see Section 1.c.).

The government-appointed but independent Commission for Racial Equality provides guidelines on good practice, supports persons taking court action under the 1976 Race Relations Act, and may initiate its own court actions. After investigating

a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE then monitors the response to its notice for 5 years.

According to a February announcement by Scotland Yard, the number of black and Asian officers in the metropolitan police increased by 20 percent since the release of the Lawrence Report. However, minority officers still represent only about 4 percent of the metropolitan police force. More than one-third of police forces did not increase minority recruitment, the rate of which is substantially below the level required to meet targets set by the Home Office.

A series of reports in 1999 and 2000, both independent and commissioned by police, show that minorities are more likely to be stopped and searched by police than whites (see Section 1.c.).

In March the Police Complaints Authority announced that it would conduct a new inquiry into the police handling of the death of Ricky Reel, a young Asian found drowned in the Thames River in 1997. His family believes that Reel was the victim of a racial attack and claim that police failed to investigate the crime properly.

Travellers, nomadic populations consisting of Roma, Irish, and “new” Travellers, estimated to number 100,000 persons, experience marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. U.N. Committees on both the Rights of the Child and the Elimination of Racial Discrimination have expressed similar concerns. In August 1997, the Government passed the Race Relations (Northern Ireland) Order, which for the first time gave specific legal protection to minority ethnic groups there, including the Traveller community. In January a study by Dundee University revealed institutionalized racism towards the Scottish Traveller community. In particular it showed that racist and intolerant attitudes among health professionals prevented Travellers from receiving proper medical care.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions, and the Government respects this right in practice. The 1999 Employment Relations Act established the country’s first procedures for statutory, as distinct from voluntary, union recognition. The Department of Trade and Industry began to promulgate implementing regulations during the summer of 2000. Additional regulations are being issued as they are completed. For example, beginning on September 4, 2000, workers are entitled to be accompanied at disciplinary and grievance hearings by a trade union representative—even if an employee’s workplace is not unionized.

Unions are free of government control. The Employment Relations Act affords significant new protection to union organizing efforts and, for the first time, confirms the statutory right to strike. The act sets minimum employment standards for the first time in labor law.

Unions participate freely in international organizations. The general secretary of the International Confederation of Trade Unions (ICTU), the general secretary of the Trade Union Advisory Committee to the Organization for Economic Cooperation and Development, and the workers’ representative on the governing body of the International Labor Organization (ILO) are all former British trade union leaders.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is longstanding and widespread, covering about 30 percent of the work force. Unionization is heaviest in the public sector. Under the Employment Relations Act, labor-management contracts are, for the first time, legally enforceable.

Under the 1999 act, unions can file a request for recognition, identifying the proposed bargaining unit, to the Central Arbitration Committee (CAC). The act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces.

Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC can issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit.

Although the law encourages voluntary agreements between employers and unions, the CAC can, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays. To date no union has filed a case before the CAC. This reflects the Trades Union Council’s (TUC) explicit preference that its member unions should secure workplace agreements through negotiation rather than in the

courts. The TUC acknowledged that the right to take a unionization dispute to the CAC has boosted its organizing efforts.

Workers are protected against dismissal or other retaliation for campaigning or voting for or against recognition. Unions no longer are required to name members when initiating a strike ballot, to minimize opportunities for retaliation. The law also prohibits the compilation of lists of union members and labor activists for use by employers and employment agencies. This is aimed at "blacklists," as operated in the past. Dismissed strikers are able to claim unfair dismissal if fired within 8 weeks of when they first undertook a legal strike.

Union members are protected against "being subject to any detriment" due to union activity or membership. This protection goes further than the previous language of "action short of dismissal taken against him as an individual." Heretofore, it was legal for employers to withhold fringe benefits otherwise available to non-union employees.

At the same time, the 1999 act retains key policies implemented by previous governments, notably ballots and notice before strikes, abolition of the closed shop, secondary boycotts, and prohibition against mass picketing.

There are no export processing zones. The Employment Relations Act also extends its protection to contract and part-time workers in an attempt to close loopholes that previously allowed some employers to evade labor regulations. Foreign workers are protected to the full extent of the law.

c. Prohibition of Forced or Compulsory Labor.—Forced or compulsory labor, including that performed by children, is prohibited and is not practiced.

d. Status of Child Labor Practices and Minimum Age for Employment.—School attendance until age 16 is compulsory. Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course. Forced and bonded child labor is prohibited, and the Government effectively enforces this prohibition (see Section 6.c.). The UK ratified ILO Convention 182 on the worst forms of child labor on March 23 and ILO Convention 138 on the minimum age for employment in June.

e. Acceptable Conditions of Work.—The country's first minimum wage went into effect on April 1, 1999. As of October 1 the adult minimum wage was \$5.50 (£3.70). The youth wage was raised to \$4.75 (£3.20) on June 1, 2000.

When introduced in 1999, the new pay thresholds were expected to benefit some 1.5 million workers directly. However, according to government figures in October, nearly 300,000 workers still were paid less than the minimum wage a year after its introduction. Government departments aggressively are instructing employers that they must bring pay practices into compliance. The Board of Inland Revenue examined 7,000 employers by October and had recovered \$4 million (2.7 million pounds) on behalf of underpaid employees.

Recognizing that the national minimum wage is a new institution, the Government asked the Low Pay Commission (incorporating academics, employers, and trade unions), created in 1998, to review the standard's implementation and make recommendations by July 2001.

Currently the national minimum wage, by itself, does not provide a decent standard of living for most workers with families. But other elements of the welfare state fill the gap. Of nearly 28 million workers, some 6 million (21 percent) benefit from some social insurance scheme or another. This is in addition to free universal access to the National Health Service. The working families' tax credit and disabled person's tax credit—both implemented as of 1999—are designed to ensure a working family a weekly income of \$320 (200 pounds), which constitutes a living wage.

As of April, the Government also introduced a minimum income guarantee for low-income pensioners. This increases the basic state pension that all retired employees receive. And the Government also announced that, as of April 2001 the threshold of total personal assets will be raised to allow more low-income pensioners to avail themselves of this benefit.

The Government introduced a working time directive in 1998 to bring domestic legislation into compliance with the European Union's 48-hour workweek. New 1999 legislation significantly raised the maximum compensation level for unfair dismissal claims from \$19,200 to \$80,000 (12,000 to 50,000 pounds). Regulations from 1999 enhanced parental leave provisions for employees with more than a year's continuous service. The Human Rights Act, which came into force on October 2, 2000, added additional rights in the workplace.

The 1974 Health and Safety at Work Act stipulates that the health and safety of employees not be placed at risk. In practice the act is updated constantly. The Health and Safety Executive effectively enforces regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives ac-

tively monitor enforcement of the act. Workers can remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—No laws specifically criminalize trafficking in persons, which is a growing problem. A July Home Office report on reforming the law on sexual offences recommended the creation of a new crime of trafficking a person for the purpose of sexual exploitation. The police successfully prosecuted traffickers under other laws, such as those against procuring and living off of immoral earnings. Under the 1999 Immigration and Asylum act, persons found importing illegal immigrants can be fined \$3,600 (2,000 pounds).

A May Home Office report on trafficking in women estimated that up to 1,400 women were trafficked into the country in 1998. The report highlighted that police largely are unaware of the scale of the problem and do not treat it as a priority. The Government was considering the report's recommendations, which include the creation of a new crime category of "sexual exploitation," allowing trafficked women to sue their exploiters, and a focus on prevention campaigns in host countries.

On June 21, 58 ethnic Chinese suffocated in the back of a truck while attempting to enter the country illegally. Three persons were arrested and face trial in the UK in connection with the deaths.

UZBEKISTAN

Uzbekistan is an authoritarian state with limited civil rights. The Constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch that serves him dominate political life. First chosen president in a 1991 election that most observers considered neither free nor fair, Karimov had his stay in office extended to 2000 by a 1995 plebiscite. Parliament subsequently voted to make the extension part of Karimov's first term, thus making him eligible to run again in 2000. He was elected to a second term in January against token opposition with 92.5 percent of the vote under conditions that were neither free nor fair. The Oliy Majlis (Parliament) consists almost entirely of regional officials appointed by the President and members of parties that support the President. Despite constitutional provisions for an independent judiciary, the executive branch heavily influences the courts in both civil and criminal cases.

There is effective civilian control over the military. The Ministry of Interior (MVD) controls the police. The police and other MVD forces are responsible for most normal police functions. The National Security Service (NSS)—the former KGB—deals with a broad range of national security questions, including corruption, organized crime, and narcotics. The police and the NSS committed numerous serious human rights abuses.

The Government has stated that it is committed to a gradual transition to a free market economy. However, continuing restrictions on currency convertibility and other government measures to control economic activity have constrained economic growth and led international lending organizations to suspend or scale back credits. The economy is based primarily on agriculture and agricultural processing; the country is a major producer and exporter of cotton. It is also a major producer of gold and has substantial deposits of copper, strategic minerals, gas, and oil. The Government has made some progress in reducing inflation and the budget deficit, but government statistics understate both, while overstating economic growth. There are no reliable statistics on unemployment, which is believed to be high and growing. The Government is taking some modest steps to reduce the host of formal and informal barriers that constrain the nascent private sector.

The Government's poor human rights record worsened, and the Government continued to commit numerous serious abuses. However, there were positive human rights developments in a few areas. Citizens cannot exercise their right to change their government peacefully. The Government has not permitted the existence of an opposition party since 1993. Election and registration laws restrict the possibility that any real opposition parties form or mount a campaign. There were credible reports that security force mistreatment resulted in the deaths of several citizens in custody. Police and NSS forces tortured, beat, and harassed persons. The security forces arbitrarily arrested or detained pious Muslims and other citizens on false charges, frequently planting narcotics, weapons, or forbidden literature on them. Prison conditions are poor, and detention can be prolonged. The judiciary does not always ensure due process and often defers to the wishes of the executive branch. Parliament passed a law on judicial reform that was awaiting presidential approval at year's end. The Government also demonstrated a commitment to permitting

International Committee for the Red Cross (ICRC) access to detained persons and prisoners. Police and NSS forces infringed on citizens' privacy, including the use of illegal searches and wiretaps. Those responsible for documented abuses rarely are punished.

The crackdown that followed the explosion of five terrorist bombs in Tashkent on February 16, 1999, continued during 2000. Among those arrested and tried were persons with close links to avowed Islamist Uzbeks abroad who, the Government believes, were responsible for the bombings. However, other victims of the crackdown included members of the secular opposition, human rights activists, and thousands of overtly pious Muslims and members of Islamist political groups. While it is not possible to estimate the number of those arrested, observers believe that the scale surpasses any previous such action. The Moscow-based human rights group Memorial has documented over 1,400 cases of persons imprisoned between January 1999 and April 2000. The organization credibly estimates that the total number arrested and tried in that time frame was between 4,000 and 5,000. By year's end, well over 5,000 persons were in prison as a result of the crackdown.

The Government severely restricts freedom of speech and the press, and an atmosphere of repression stifles public criticism of the Government. Although the Constitution expressly prohibits it, press censorship continues, and the Government sharply restricts citizens' access to foreign media. A 1999 decree requires all Internet service providers to route their connections through a government server. The primary purpose of this measure, according to the Government, is to prevent access to information that the Government considers harmful. Despite the law, private Internet providers have proliferated during the year.

The Government limits freedom of assembly and association. The Government continues to ban unauthorized public meetings and demonstrations. The Government has not yet implemented a 1999 law that improves the formal legal framework for the formation, registration, and operation of nongovernmental organizations (NGO's). The Government continues to deny registration to opposition political parties as well as to other groups that might be critical of the Government. For example, the Ministry of Justice has denied repeated applications for registration of the Human Rights Society of Uzbekistan (HRSU) and the Independent Human Rights Organization of Uzbekistan (IHROU), citing technical deficiencies in the applications. Unregistered opposition parties and movements may not operate freely or publish their views. The Government restricts freedom of religion. The Government harassed and arrested hundreds of Islamic leaders and believers on questionable grounds, citing the threat of extremism. The Government tolerates the existence of minority religions but places strict limits on religious activities. Although the Government had registered over 174 minority religious communities by year's end, several others were prevented from registering by local officials. Unlike in 1999, university authorities did not expel students for wearing Islamic dress during the year.

The Government continues to voice rhetorical support for human rights, but does not ensure these rights in practice. Although the election, religion, and media laws contain elements that theoretically support human rights, in reality the Government does not respect such provisions. The Office of the Human Rights Ombudsman, which was formed in 1997, reports that it is assisting hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police. The Ombudsman's office issued reports identifying the most serious types of violations of human rights by government officials; however, most of the successfully resolved cases were relatively minor. The Government pardoned and released imprisoned human rights activist Mahbuba Kasimova at year's end.

Domestic violence against women is a problem, and despite a constitutional prohibition, there continues to be significant traditional, societal discrimination against women. The Government undertook cooperation with women's NGO's. Trafficking in women and girls for the purposes of prostitution occurs. Workplace discrimination against some minorities persists. There are some limits on worker rights.

Beginning in August, insurgents from the Islamic Movement of Uzbekistan (IMU) conducted significant armed incursions in Uzbekistan and neighboring states. Over two dozen members of the Uzbek police and armed forces were killed in the conflict as were at least 30 insurgents. During the conflict, the Government ordered the evacuation of least five villages in the Surkhandarya region near the border with Tajikistan. After spending 2 months in a temporary camp, the villagers were transferred in November to a newly constructed settlement more than 200 kilometers away, where they complained to international observers of poor conditions and abusive treatment.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no confirmed reports of political killings; however, security forces committed killings. Security force mistreatment resulted in the deaths of several prisoners in custody. According to human rights activists and other observers, many of those killed in custody were interned at a new prison near Jaslik in Karakalpakstan, where conditions were thought to be extremely harsh. Nearly all the inmates of this facility, which opened in the spring of 1999, were accused of religious extremism. Although there is specific information available on only a handful of deaths due to mistreatment in custody, human rights observers and relatives of prisoners claim that the number of such cases throughout the country during the year reached several dozen. Law enforcement officials warned families not to talk about their relatives' deaths. Government officials acknowledge that some inmates of Jaslik died, but attribute the deaths to illness and the extremely hot climate rather than mistreatment.

The country's regulations require that every death in custody be investigated by a medical examiner. In most cases, deaths apparently due to beating are ascribed to heart failure. However, in June Batirjon Karimov, a guard at a prison in Almalyk, was convicted and sentenced to 6 years in prison for beating a prisoner to death. The court convicted Karimov of Articles 103 and 104 of the Criminal Code: Driving someone to suicide and intentionally causing severe bodily harm, respectively. The victim, Akmal Latipov, who had just been brought to the prison, allegedly slashed his wrist with a razor when Karimov began to beat him, in order to escape the beating. A forensic medical examination established the cause of Latipov's death to be blows to the head inflicted by Karimov.

According to the World Organization Against Torture, Rustam Norbaev, a possible member of the political Islamic movement Hizb ut-Tahrir, was arrested on March 13 and died in pretrial detention in Yakkabaga on March 18, allegedly after being tortured. Officials claimed that Norbaev hanged himself.

Negmat Karimov, who was sentenced in July 1999 to 20 years in prison for alleged involvement in the terrorist conspiracy behind the 1999 Tashkent bombings, died in prison in Navoi on March 22. According to his parents, his body showed multiple signs of beating. Karimov also was convicted on charges related to religious extremism.

In late December, Amanullah Nosirov, a member of Hizb ut-Tahrir convicted in 1999, died in prison in Navoi. According to acquaintances of the deceased, he died of injuries sustained while being beaten. Nosirov was the brother of Haffezullah Nosirov, an alleged leader of Hizb ut-Tahrir who was convicted in March (see Sections 1.d. and 1.e.).

Hazratkul Kodirov, a former resident of a village near the Tajik border that had been evacuated during clashes with the IMU, died near the end of December, allegedly from injuries sustained during police interrogation (see Section 2.d.). (According to other residents of the village, police used beatings to force up to 39 men to confess to collaborating with the IMU.) Kodirov's brother alleged that the body bore 50 small holes and that the genital area was "destroyed." Hazratkul had given an interview to the British Broadcasting Corporation (BBC) in November deploring conditions in the resettlement camp.

Shukhrat Parpiev, who was sentenced in December 1998 to 15 years in prison, died in the Jaslik prison on May 5. According to an acquaintance, Parpiev was not religious, but had been arrested because he was seen with a known religious figure suspected of extremism. Parpiev's body allegedly was bruised badly, and had a broken clavicle, crushed skull, and broken ribs.

In an open letter to the President, 33 Tashkent residents protested the military hazing death on June 13 of Dmitriy Popov, a recruit who suffered from heart problems. Popov was allegedly beaten by senior soldiers on June 7. The HRSU commented that such deaths were not uncommon in the military. At year's end, military prosecutors were planning on bringing a criminal case against five soldiers who allegedly participated in the beating.

There were no reported politically motivated killings by the insurgent IMU, although there were casualties on both sides of the conflict. During and after the armed incursions of August and September, Uzbek military forces laid mines on the border with Tajikistan. Press reports indicate that such mines have killed at least 13 Tajik civilians. The Ministry of Defense asserts that all minefields are clearly marked and that it has informed the Tajik Government of their locations in accordance with international norms.

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

It is widely believed that Imam Abidkhon Nazarov, missing since March 1998, fled the country to avoid arrest and was not abducted by security forces. There were no reported developments in the 1995 disappearance of Imam Abduvali Mirzaev or in the 1997 disappearance of his assistant, Nematjon Parpiev. Most independent observers believe that the two missing Islamic activists are either dead or in NSS custody.

There was one report of a person who has disappeared after being taken into custody. Bakhodir Khasanov, an instructor of French at the Alliance Francaise, was apprehended by plainclothes officers in front of witnesses on July 17. Authorities have not yet acknowledged that he is being held (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits these practices, both police and NSS routinely beat and otherwise mistreat detainees to obtain confessions, which they then used to incriminate the detainees. Both the frequency of allegations of torture and the alleged severity of the treatment increased during the reporting period.

In December Human Rights Watch (HRW) released a major report on torture in Uzbekistan that details dozens of allegations based on interviews with victims and their families. The report claimed that the number of allegations and the degree of brutality of torture were increasing. The most common torture techniques are beating, often with blunt weapons, and asphyxiation with a gas mask. There were numerous unverifiable reports of interrogators raping detainees with objects such as bottles, and of threatening to rape both detainees and their family members.

Although it is routine for police to beat confessions out of detainees, anecdotal evidence suggests that those suspected (sometimes only because of their piety) of Islamist political sympathies are treated more harshly than criminals.

According to his family, noted writer Mamadali Makhmudov, who claimed that he and five other defendants were tortured during 5 months of detention prior to his August 1999 trial, continued to suffer mistreatment in prison. Family visits to him in Jaslik prison in May and June revealed that his fingernails had been pulled out and that he was in generally very poor health. On July 4, the Interior Ministry said that Makhmudov's health was satisfactory and that he did not request medical treatment. In December acquaintances reported that Makhmudov nonetheless had been transferred to a hospital prison.

In a trial concluded in the Akmol Ikramov regional court in Tashkent on September 6, 15 members of Hizb ut-Tahrir all alleged that they had been tortured during pretrial detention. According to those attending the trial (international monitors were barred from the courtroom), the defendants alleged that guards and interrogators had used beatings and electricity, and had forced them to sign blank statements. Several alleged that guards had raped them. The defendants were sentenced to between 12 and 16 years each.

Prison conditions are poor, and worse for male than for female prisoners. Males and females are housed in separate facilities. Prison overcrowding is a problem. Human rights activists reported that the incarceration of 10 to 15 persons in cells designed for 4 is common. Tuberculosis and hepatitis are endemic in the prisons, making even short periods of incarceration potentially deadly. Reportedly there are severe shortages of food and medicines, and prisoners often rely on visits by relatives to obtain both. Brutal treatment by guards and an especially harsh and polluted desert environment were said to make conditions at Jaslik prison the worst in the country. By year's end, however, human rights observers had learned from witnesses that conditions in Jaslik had improved substantially. According to the Committee for the Legal Assistance of Prisoners, there are between 500 and 800 total inmates at Jaslik. Although the law allows all prisoners to have occasional family visitors, the remoteness of Jaslik makes such visits rare and difficult. Most of the prisoners transferred to Jaslik were convicted for their alleged participation in unauthorized Islamic groups. The Government operates labor camps, where conditions of incarceration have been reported to be less severe than in prisons.

An amnesty signed by the President on the occasion of the September 1 Independence Day, may affect up to 25,000 of the country's 63,000 prisoners, according to government press releases. The amnesty does not apply to those convicted of political crimes. While there was no official report on the number of prisoners actually released, human rights activists estimate it to be around 10,000.

The Government in December decided it would permit prison visits by human rights monitors such as the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention, or Exile.—Security forces continued to arrest and detain individuals arbitrarily, without warrant or just cause. A Soviet-era detention law provides that police may hold a person suspected of committing a crime for up to 3 days. At the end of this period, the detained person must be declared officially a suspect, charged with a crime, or released. A person officially declared a suspect

may be held for an additional 3 days before charges are filed. A prosecutor's order is required for arrests, but not for detentions, prior to the filing of charges. In practice these legal protections frequently are ignored. In some cases, police circumvent the rules by claiming that the detainee is being held as a potential witness and not as a suspect; there are no regulations concerning the length of time witnesses may be detained. A court date must be set within 15 days of arrest (or filing of charges) and the defendant may be detained during this period. A defendant may not have access to counsel while in detention but only after the first interview with an investigator. Once the trial date is set, detainees deemed not to be violent may be released on their own recognizance pending trial. No money need be posted as bond, but in such cases the accused usually must sign a pledge not to leave the city. In practice this procedure rarely is used. During the period between arrest and trial, defendants are almost always kept in pretrial detention, which has been known to last as long as 2 years.

In the March trial in Guliston of Hizb ut-Tahrir activist Haffezullah Nosirov and 11 others, the defendants were tried on average 6 months after arrest. Many claimed that authorities used the interim period to torture them into signing confessions. The trial marked the first time since June 1999 that international observers were permitted to attend a trial of accused religious extremists.

In ordinary criminal cases, the police generally are capable of identifying and arresting only those reasonably suspected of the crime. However, both the police and NSS are far less discriminating in cases involving perceived risks to national security. Prosecutors have brought charges against at least 140 persons in connection with the bombings, including at least 12 in during this year. All those tried have been convicted. Twenty of these were sentenced to death, with most reportedly already executed. Hundreds of other defendants have also been convicted of terrorism, most allegedly linked to those convicted of the bombings or other actions attributed to the IMU.

It is common government practice to violate the human rights of both immediate and extended family members of those the Government has targeted. For example, Bakhodir Khasanov, an instructor of French at the Alliance Francaise, was detained and held incommunicado in the basement of the Ministry of the Interior on July 17. This is the fourth time that authorities have detained Khasanov. The security services' interest in Khasanov apparently stems from the fact that many in the Khasanov family are pious Muslims, although Bakhodir himself has claimed that he is not especially religious. Bakhodir's father and brother are both currently imprisoned. His brother Ismail was convicted in August 1999 for alleged links to Islamic extremists and was retried on additional charges of being involved in events in Yangiabad, although those events took place while he was in prison. In November 1999, police arrested Khasanov's 70-year-old father after planting Hizb ut-Tahrir leaflets on him. He signed a confession after police forced him to watch them beating his son Ismail, and is now serving 3 years in prison.

Kamoletdin Sattarov of Andijon was convicted of anti-State activity in July after police allegedly planted two Hizb ut-Tahrir leaflets on him. His brother Muradjon was jailed in 1999 for membership in Hizb ut-Tahrir. Kamoletdin has admitted that Muradjon had gotten involved with the group but denied that he shared his brother's political or religious passions. Investigators in Kamoletdin's case found individual appeal forms of the U.N. High Commissioner for Human Rights in his home and used them as evidence against him (see Section 4).

All male members of the family of missing Imam Abidkhon Nazarov remain in jail, and allegedly are beaten periodically by interrogators trying to learn Nazarov's whereabouts. Similarly, three brothers of exiled democratic opposition leader Mohammed Solikh are imprisoned because of their family ties (see Sections 1.c. and 3).

Family members of missing Andijon Imam Abdu Kori Mirzaev reported that they were harassed and kept under constant surveillance.

According to NGO reporting, Uzbek Imam Khadji Khudjaev was arrested by Russian police in August, apparently at the request of the Uzbek Government, and was extradited to Uzbekistan in November to face charges of involvement in the February 1999 Tashkent bombings.

Police in Nukus allegedly planted drugs on a Baptist pastor in July, and held him without charge until his release in late September (see Section 2.b.).

Police routinely planted small amounts of narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes. The most frequent victims of this illegal practice have been suspected members of nonofficial Islamic organizations such as Hizb ut-Tahrir. They usually were sentenced to between 15 and 20 years in prison. The total number of those either tried and convicted or still in pretrial detention is unknown, but human rights activists contend that there

are well over 1,000 and perhaps several thousand. Many of those in detention are political detainees.

In December the Parliament passed judicial reform legislation, which, according to an international NGO that reviewed the laws, mandates notable, if incremental improvements. The reforms included modifications to the criminal justice system to make it adversarial and reduce the power of the procuracy, improvements in the appeals process to ensure greater access to the courts, and increases in the independence of the courts from the executive branch of government.

In general, the Government does not hold political detainees indefinitely, but brings them to trial eventually. Because there is no free press or public record of arrests, it is not possible to determine the number of detainees awaiting trial. Estimates by human rights activists are usually in the range of several thousand.

The Government does not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judicial authority; however, the judicial branch takes its direction from the executive branch and has little independence in practice. Under the Constitution, the President appoints all judges for 5-year terms. They may be removed for crimes or failure to fulfill their obligations. Power to remove judges rests with the President, except for Supreme Court judges, whose removal also must be confirmed by Parliament.

The system of courts of general jurisdiction is divided into three tiers: District courts, regional courts, and the Supreme Court. In addition a Constitutional Court is charged with reviewing laws, decrees, and judicial decisions to ensure their compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. There is a system of economic courts on the regional level that deals with economic cases between judicial and legal entities.

Decisions of district and regional courts of general jurisdiction may be appealed to the next level within 10 days of ruling. The Criminal Code has reduced the list of crimes punishable by death to murder, espionage, and treason, eliminating the economic crimes that were punishable by death in the former Soviet code. Officially, most court cases are open to the public but may be closed in exceptional cases, such as those involving state secrets, rape, or young defendants. However, except for the first trial in June 1999, all trials of those suspected of involvement in the February 16 terrorist bombings were closed to international observers and the public on security grounds. In similar fashion, many trials of alleged Islamic extremists have been closed. International trial monitors or foreign diplomats only rarely are permitted to observe court proceedings.

State prosecutors play a decisive role in the criminal justice system. They order arrests, direct investigations, prepare criminal cases, and recommend sentences. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. There is no protection against double jeopardy. Judges whose decisions have been overturned on more than one occasion may be removed from office. Consequently, judges rarely defy the recommendations of prosecutors. As a result, defendants usually are found guilty.

The Government still uses the Soviet practice of trial by a panel of three judges: one professional judge and two lay assessors who serve 5-year terms and are selected from workers' collectives. The judge presides and directs the proceedings. However, in practice, judges often defer to the Government and its prosecutors on legal and other matters. Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The State provides legal counsel without charge, but by law the accused also has the right to hire an attorney. In practice the right to an attorney often is violated and there are numerous examples of denial of this right.

In a March trial of 48 alleged members of Hizb ut-Tahrir in Termez, the judge allegedly appointed the police investigator who developed the prosecution's case as the defense attorney for six of the defendants. Police allegedly tortured detained Imam Abduvakhid Yuldashhev on at least two occasions in August and September, to force him to sign statements refusing the services of defense attorneys.

The Government typically held unannounced trials of large groups of those alleged to be extremists, and rarely let international observers attend. Human rights observers contended that these groupings of defendants were arbitrary, since the prosecution only occasionally argued that those on trial actually were connected to one another. Defendants often claimed that the confessions on which the prosecution typically based its cases were extracted by torture. Judges ignored these claims and invariably convicted the accused, handing down severe sentences—usually from 15 to 20 years' imprisonment. Torture and mistreatment of detainees are explicitly outlawed. Lawyers may, and occasionally do, call on judges to reject confessions thus extracted and to investigate claims of such treatment. There has been no report of a judge opening an investigation into claims of torture.

In one such trial that ended on April 14 in Tashkent, 12 defendants were convicted of anti-State activity, belonging to illegal groups, and other charges. Two of the defendants were sentenced to 20 years, and eight more to 17 years. One defendant, Abdulaziz Mavlianov, an employee of the Tashkent office of the ICRC, allegedly confessed only to having given about \$15 (10,000 soum) and some publicly available information to the main defendant, alleged Islamist activist Toirjon Abdusamatov. At his trial, Mavlianov renounced that confession, which he had never signed. Despite the relatively innocuous nature of the alleged activities that led to his conviction, he was sentenced to 17 years in prison.

In practice most defense lawyers are unskilled at defending their clients. Courts often do not allow all defense witnesses to be heard, and written documents are given more weight than courtroom witnesses. In the March trial of Haffezullah Nosirov and 10 other alleged members of Hizb ut-Tahrir, defendants were convicted in part on the basis of written testimony from Bakhrom Abdullaev, an alleged terrorist who reportedly had been executed in January. Furthermore, the judge in the case refused the defense's request to question the other (living) witnesses whose written statements formed the remainder of the prosecution's case. In his retrial, Sattarov was sentenced to 10 years in prison, which was 1 year more than his original sentence.

In November the Government staged a trial of 12 alleged conspirators in the 1999 Tashkent bombings, 9 of whom were being tried in absentia. Since the court made no formal effort to notify the defendants directly of the charges against them, the proceedings violated the International Convention on Civil and Political rights. Although the State appointed lawyers for the missing defendants, they put up only a token defense, lasting less than 3 hours after a 2-week prosecution case. Several of the lawyers stated openly that they were unable to defend their clients because they had no opportunity to consult with them. Two of the absent defendants, IMU leaders Tohir Yuldashev and Jumaboy Khojiev (a.k.a. Juma Namangani), were sentenced to death. Other defendants received sentences of between 12 and 20 years in prison.

The Constitution provides a right of appeal to those convicted; however, such proceedings usually are formalistic exercises that confirm the original conviction. For example, the appeal of Imam Abdurakhim Abdurakhmanov on August 8 lasted only 20 minutes, and the judge did not permit testimony. Abdurakhmanov, who had been sentenced to 17 years in prison and reportedly was subjected to torture prior to trial, was not allowed to be present at the appeal. However, a judge in the Andijon regional court, after hearing an appeal in August, ordered a retrial of Kamoletdin Sattarov, on the grounds that he was not represented properly at the original trial earlier that month.

Authorities arrested and tried unfairly relatives of suspects and members of opposition groups (see Sections 1.d. and 3).

In April the Moscow-based human rights organization Memorial published a list of over 1,400 individuals arrested and convicted for political and religious reasons from January 1999 to April 2000 (see Section 2.c.). The organization credibly estimates that, including those it can document, a total of between 4,000 and 5,000 such persons have been imprisoned. While most were convicted of conspiracy against the constitutional order, many were convicted of nonpolitical offenses such as tax evasion, misappropriation of funds, or illegal possession of narcotics or firearms. It is widely believed that in the latter cases, arresting officers planted the incriminating materials.

On September 5, the Chairman of the Supreme Court claimed that there were 2,000 persons in jail for crimes against the State. At the same news conference and again the following day, the Minister of Justice explicitly rejected the notion that these or any other prisoners could be classified as "political," on the grounds that all had been tried and convicted of crimes. However, the fact that nearly all convictions are based on forced confessions makes it impossible to determine what percentage of those convicted actually violated the law. Moreover, the alleged "crimes," as interpreted by the courts, encompass criticism of the Government and possession of religious beliefs that the Government defines as extremist. Therefore, most of those convicted of crimes against the State are political prisoners.

In December the Government proposed a draft agreement with the ICRC allowing the ICRC access to all prisoners. The draft agreement was modeled after the ICRC's own proposals and met all ICRC conditions for undertaking a program of prison visits.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Authorities infringe on these rights. By law only a prosecutor may issue a search warrant or authorize electronic surveillance. There is no provision for a judicial review of such warrants. Security agencies routinely monitor telephone calls and employ sur-

veillance and wiretaps in the cases of persons involved in opposition political activities.

A Law on Freedom of Conscience and Religious Organizations and other legislation (see Section 2.c.) prohibits private teaching of religion. Students who in 1997 and 1998 were expelled from schools for wearing religious dress were not allowed to reenroll in 2000 (see Section 2.c.). Unlike in 1999, students were not arrested for wearing religious dress during this year.

Police arrested, detained, and beat family members of suspects that they were seeking (see Sections 1.c and 1.d.). Authorities also frequently forced relatives of alleged religious extremists to undergo public humiliation at neighborhood assemblies organized for that purpose. For example, the mother of IMU leader Juma Namangani was summoned to a school auditorium in late August where an assembly of neighbors confronted her. Relatives of soldiers killed in the insurgency insulted her and smeared her face with black paint. Local leaders shamed her for bringing Namangani into the world until she tearfully apologized and cursed her son.

Both the wife and mother of missing Imam Abidkhon Nazarov were forced to undergo similar public humiliation in February and March.

The Government does not allow general distribution of foreign newspapers and other publications. However, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications are available. A modest selection of other foreign periodicals is available in Tashkent's major hotels, and authorized groups can obtain foreign periodicals through subscription. The authorities do not permit rebroadcast of Russian programming that is critical of the Government (see Section 2.a.).

In May postal authorities confiscated a package addressed to human rights activist Mikhail Ardzinov. The package contained documents from a Moscow human rights conference as well as copies of the Erk Party newspaper. In the notice sent to Ardzinov, authorities claimed that the material was confiscated on the basis of a statute prohibiting the mailing of items of artistic or cultural significance.

In March police confiscated six copies of the Uzbekistan chapter of the 1999 HRW World Report from a HRW representative who was observing the trial of the 12 men on trial for membership in Hizb ut-Tahrir (see Section 1.d.). According to an international NGO, the presiding judge at the trial characterized the distribution of the report as the clandestine distribution of leaflets. In November customs authorities confiscated several copies of the journal of the unregistered Birlik Democratic Movement that had been mailed to a private citizen. Customs claimed that the material was illegal and anticonstitutional. In the same month, Customs opened mail sent from HRW's New York office to its Tashkent office and confiscated several copies of a published list of political and religious prisoners in Uzbekistan compiled by the Moscow-based human rights organization Memorial. In explaining the confiscation, a representative of the Ministry of Foreign Affairs told HRW that it took issue with the content of the Memorial report.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for “freedom of thought, speech, and convictions”; however the Government continues to restrict these rights severely.

A 1991 law against “offending the honor and dignity of the President” limits the ability to criticize the President. Ordinary citizens remain afraid to express views critical of the President and the Government in public. The 1998 Mass Media law formally provides for freedom of expression, protects the rights of journalists, and reiterates the constitutional ban on censorship. Nonetheless, several articles of the law, and the lack of due process provided for in their implementation, allow the Government to use the law to silence critics. The law established an interdepartmental government commission which issues licenses to approved media outlets. In May a new law changed the term of validity of these licenses from 1 year to 5 years, a move welcomed by those in the media. The interdepartmental commission is empowered to revoke licenses and close media outlets without a court judgment.

According to the Mass Media Law, journalists are responsible for the accuracy of the information contained in their news stories, potentially subjecting them to prosecution. The law prohibits stories that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see Section 2.b.).

The Constitution prohibits censorship; however, it is widely practiced and the Government tolerates little, if any, criticism of its actions. The last opposition newspaper to be published was that of the Erk Democratic Party, which has been banned within the country since 1993 but is published sporadically abroad.

There are no private publishing houses, and government approval is required for all publications. Newspapers are generally printed by state-owned printing houses, which refuse to print any edition that does not bear the prior approval of the Committee for the Protection of State Secrets. In these circumstances, journalists who want to ensure that their work is published practice self-censorship.

In April authorities closed an independent Urgench newspaper, Panorama (circulation 500). Panorama's publisher, Konstantin Aksianov, had purchased his own presses and thus was able to produce and distribute the newspaper without censorship by the Committee for the Protection of State Secrets. However, private printing presses require licenses and in April, the State Press Committee, without explanation, revoked Panorama's license to print and warned other printers not to print the newspaper.

Information remains very tightly controlled. The Uzbekistan Information Agency cooperates closely with the presidential staff to prepare and distribute all officially sanctioned news and information. Nearly all newspapers are organs of government ministries. Private persons and journalist collectives may not establish newspapers unless they meet the media law's standards for establishment of a "mass media organ," including founders acceptable to the Government. A handful of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content, are allowed to operate without censorship. Limited numbers of foreign periodicals are available (see Section 1.f.).

Four state-run channels that fully support the Government and its policies dominate television broadcasting. A cable television joint venture between the state broadcasting company and a foreign company broadcasts the Hong Kong-based Star television channels, including the BBC, Deutsche Welle, and Cable News Network world news, to Tashkent and a few other locations. Access to cable television is beyond the financial means of most citizens.

There are between 30 and 40 privately owned local television stations and 3 privately owned radio stations. Generally, broadcasters practice self-censorship and enjoy some leeway in reporting critically on local government.

The interdepartmental commission closed two television stations in 1999. One of them was allowed to reopen in 2000. Officials claimed that the stations did not meet technical requirements for relicensing and that there was no political element to the closings. Foreign observers noted that the two were among the most independent in the country and interpreted the closings as a warning to other broadcasters to be careful of their content. Shukhrat Babajanov, the owner of ALC, a station in Urgench that has been prohibited from reopening, unsuccessfully sued the Government in February for damages resulting from the station's closing. He appealed and lost again in March. ALC had also lost its registration temporarily in 1997, allegedly for technical violations of regulations. It was believed widely at the time that the real reason for the 1997 closure was that the owner had been a member of the Erk political party in the early 1990s. Babajanov and his former employees were subjected to harassment and veiled threats by police during the summer.

As these cases illustrate, enforcement of the registration and licensing requirements can be strict, and the Government's implementation of the media law does not function smoothly. Because the registration committee meets irregularly and because the annual re-registration requirement has only recently been revised, up to one half of independent television stations have been forced to operate with expired licenses, making them vulnerable to a government shut down. During the 1999 election season, owners reportedly believed that the Government was intentionally delaying re-registration in order to ensure that the stations broadcast nothing unfavorable. However, in 2000 most owners reported that tensions between them and the Government eased substantially.

Private radio and television broadcasters formed an independent professional association in 1998. The association resisted both generous incentives and heavy pressure from the Government to elect the Government's candidate as chairman. Government officials openly threatened members of the group and the opposition candidate who was elected. Since that time, the Government has arbitrarily denied the group's registration application on seven occasions, three during the last year. In one unsuccessful effort to win registration, the association even changed its name from ANESMI to MEDIA. Ministry of Justice officials reportedly advised the group privately that it never would be registered. The lack of registration effectively restricts MEDIA's ability to attract international funding and operate legally.

Radio Free Europe/Radio Liberty and the Voice of America are not permitted to broadcast from within the country, despite the Government's 1992 contractual agreement to allow this activity. The Government allows both organizations to have correspondents in the country. The BBC World Service was required to broadcast on a very low FM frequency that most radios would not be able to receive, and then

only after the BBC had agreed on paper to restrictions amounting to self-censorship. (However, observers agree that there is no evidence that the BBC actually engages in self-censorship.) The World Service is permitted to broadcast only 2 hours per day: Two 30-minute broadcasts per day in Uzbek, and two 30-minute broadcasts per day in Russian, 7 days a week.

Since February 1999, all Internet service providers have been required to route their connections through a state-run server. The avowed main purpose of this directive was to prevent the transmission of what the State considers to be harmful information, including material advocating or facilitating terrorism, material deemed hostile to the constitutional order, and pornography. By year's end, the Government had re-routed all but one provider, but did not yet possess the equipment and expertise necessary to complete implementation of the decree. The Government has issued regulations and taken technical steps to filter access to content that it considers objectionable. Despite these restrictions, the availability of Internet access has expanded as the number of service providers and Internet cafes have grown.

The Government has granted academic institutions a degree of autonomy, but freedom of expression still is limited.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly; however, it also states that the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds, and in practice the Government restricted the right of peaceful assembly. The Government must approve demonstrations but does not grant permits to demonstrators routinely. In November 1999, a group of 30 to 40 veiled Muslim women gathered in front of the office of the Tashkent hokim (local governor) to protest the incarceration of their relatives. The police ordered them to disperse after refusing their request to meet with the hokim. Some members of the group report that they have been under intermittent surveillance since that time. In August shopkeepers at a Tashkent bazaar spontaneously took to the streets to protest a rise in rental fees set by the Government. Police responded to contain the crowd, but no violence was reported.

The Constitution provides for the right of freedom of association; however the Government restricts the exercise of this right. The Government refuses to register opposition political parties and movements. The Constitution places broad limitations on the types of groups that may form and requires that all organizations be registered formally with the Government in accordance with procedures prescribed by law. A 1996 analysis by foreign legal observers concluded that, while the Law on Political Parties provides theoretical protections for minority parties and permits a wide range of fund raising, it also gives the Ministry of Justice broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government. There are no registered opposition parties (see Section 3).

In the early 1990's, the Government repeatedly denied the attempts by the Birlik Movement and Erk Party to register. Harassment by security forces drove the leaders of these organizations into voluntary exile. These organizations made no attempt to register during the year, reportedly because their remaining adherents were afraid of government reprisals.

The Constitution and a 1991 amendment to the law on political parties ban parties of an ethnic or religious nature. Authorities cited these statutes in denying registration to the Islamic Renaissance Party (IRP) in 1992. In the early 1990's, opposition activists announced the formation of the religious Adolat-True Path Party but never pursued formal registration, claiming that their members were afraid of government reprisals. Leaders and members of these parties, denied a voice in the political process and forced to flee repression, now form the core of the IMU, which launched an armed insurgency in Uzbekistan and neighboring countries during the year.

The Law on Public Associations as well as the Law on Political Parties prohibits registration of organizations whose purpose includes subverting or overthrowing the constitutional order, as well as organizations whose names already are registered. In the past, officials have used the latter provision to block human rights NGO's and independent political parties from registering by creating another NGO or party with the identical name.

The Government has refused to register the two principal independent human rights organizations. The Human Rights Society of Uzbekistan sought registration unsuccessfully four times between 1992 and 1996. During the year, authorities refused to approve a visa to permit the HRSU's leader-in-exile to return to the country and to preside over a new founding convention, the required first step for a new registration application. In April authorities refused permission for the HRSU to host an international human rights conference in Tashkent (see Section 4).

The Independent Human Rights Organization of Uzbekistan (IHROU), headed by longtime human rights activist Mikhail Ardzinov, held its founding convention and filed registration papers in 1997, but the Government has not yet formally approved or denied the application. In both cases, the Government claims that the registration applications were not made properly and need to be resubmitted. Neither the HRSU nor the IHROU resubmitted applications during the year; there was no indication that they would be registered. The Government's repeated refusals to register these organizations appear politically motivated. The Government has approved the registration of only one human rights NGO, the Committee for Protection of Individual Rights, which was formed with government support in 1996.

The process for government registration of NGO's and other public associations is also difficult and time-consuming, with many opportunities for obstruction. Although unregistered organizations often can disseminate literature, hold meetings, and use letterhead stationery without government interference, they do not exist as legal entities and have no real access to the media or government.

A law on nongovernmental, noncommercial organizations passed in April 1999 provides a relatively benign legal framework for their registration and functioning. In particular the requirements for registration are simpler than they had been under previous legislation. However, the law contains several vaguely worded provisions that, in practice, may result in arbitrary enforcement of decisions harmful to NGO's. The real effect of the law depends on the implementing regulations, which had not yet been promulgated more than 1.5 years after passage of the law.

Nonpolitical associations and social organizations usually may register, although complicated rules and a cumbersome government bureaucracy often make the process difficult. Some evangelical Christian churches (see Section 2.c.) found it difficult to obtain registration.

c. Freedom of Religion.—The Constitution provides for freedom of religion and for the principle of separation of church and state; however, in practice the Government only partially respects these rights. The Government perceives unofficial Islamic activity as an extremist security threat and outlaws it. During the year, the Government arrested hundreds if not thousands of members of such groups and sentenced them to between 15 and 20 years in jail. The Government permits persons affiliated with mainstream religions, including approved Muslim groups, Jewish groups, the Russian Orthodox Church, and various other denominations, such as Catholics and Lutherans, to worship freely and generally registers more recently arrived religions. However, the religion law forbids or severely restricts activities such as proselytizing and importing and disseminating religious literature.

The Government is secular and there is no official state religion. Although the laws treat all religious confessions equally, the Government shows its support for the country's Muslim heritage by funding an Islamic university and subsidizing citizens' participation in the Hajj. The Government promotes a moderate version of Islam through the control and financing of the Spiritual Directorate for Muslims (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and the volume and substance of published Islamic materials.

In May 1998, the Parliament passed two laws that restrict religious activity. The Law on Freedom of Conscience and Religious Organizations provides for freedom of worship, freedom from religious persecution, separation of church and state, and the right to establish schools and train clergy. However, the law also severely limits religious activity. It restricts religious rights that are judged to be in conflict with national security, prohibits proselytizing, bans religious subjects in public schools, prohibits private teaching of religious principles, forbids the wearing of religious clothing in public by anyone other than clerics, and requires religious groups to obtain a license to publish or distribute materials.

The second legislative change enacted in May 1998 consisted of a series of revisions to the Criminal and Civil Codes that stiffened the penalties for violating the religion law and other statutes on religious activities. It provided for punishments for activities such as organizing a banned religious group, persuading others to join such a group, and drawing minors into a religious organization without the permission of their parents.

The Criminal Code was amended again in May 1999 with two changes that affected religious freedom. The changes draw a distinction between "illegal" groups, which are those that are not registered properly, and "prohibited" groups, which are banned altogether. The first measure makes it a criminal offense punishable by up to 5 years in prison to organize an illegal religious group or to resume the activities of such a group (presumably after being denied registration or being ordered to disband). Furthermore, the measure punishes any participation in such a group by up to 3 years in prison. The second measure sets out penalties of up to 20 years in prison and confiscation of property for "organizing or participating" in the activities

of religious extremist, fundamentalist, separatist, or other prohibited groups. In practice, the courts ignore the theoretical distinction and frequently convict members of disapproved Muslim groups under both statutes.

The Religion Law requires all religious groups and congregations to register and provides strict and burdensome criteria for their registration. In particular it stipulates that each group present a list of at least 100 Uzbek citizen members (compared with the previous minimum of 10) to the local branches of the Ministry of Justice. This provision enables the Government to ban any group simply by denying its registration petition. Government officials designed the law to target Muslims who worship outside the system of state-organized mosques. A special commission created in August 1998 may grant exemptions to the religious law's strict requirements and register groups that have not been registered by local officials. The commission has granted exemptions to 51 such groups, including congregations with fewer than 100 Uzbek members. However, no formal procedures or criteria have been established to bring a case before this commission.

In a February 29 roundtable on religious freedom, Government officials (from the Committee on Religious Affairs, Parliament, and the National Center for Human Rights) called for clarifications that would bring religion law and practice into line with the International Covenant on Civil and Political Rights, and on May 25 President Karimov suggested that the Parliament consider improvements to the religion law. However, no action was taken by year's end.

In August an expert from the U.N. Committee on the Elimination of Racial Discrimination noted the serious restrictions on freedom of religion in Uzbekistan, targeting primarily Muslims worshipping outside the state-organized mosques.

Christian churches generally are tolerated as long as they do not attempt to win converts among ethnic Uzbeks. Christians who are ethnic Uzbeks are secretive about their faith and rarely attempt to register their organizations. Christian congregations that are of mixed ethnic background are reluctant to list their Uzbek members on registration lists due to fear of incurring official displeasure. Since the law prohibits participation in unregistered groups, some minority churches have not submitted registration applications because they know that they are unable to comply with the law's requirements and prefer not to identify themselves to the authorities. Although church leaders cite high registration fees and the 100-member rule as obstacles to registration, the most frequent problem is the lack of an approved legal address, which is required in order to submit an application. Some groups have been reluctant to invest in the purchase of a property without assurance that the registration would be approved. Others claim that local officials arbitrarily withhold approval of the addresses because they oppose the existence of Christian churches with ethnic Uzbek members.

In August 1999, the central Government undertook to register minority religious groups whose applications had been blocked by local officials. Twenty churches received their registration immediately, and most new applications since that time have been approved; however, there have been exceptions. A Baptist congregation in Gazalkent attempted to register unsuccessfully throughout the year. Representatives of the group claimed that local officials were blocking its registration. The deputy mayor of Gazalkent allegedly told church leaders at one point that its application might be approved if it removed from its membership list all names of ethnic Uzbek origin. Another Baptist congregation in Guliston was denied registration in December ostensibly on the grounds that its proposed church was in a residential area. Although two Jehovah's Witness congregations are registered, eight others that have attempted to register during the last year were unsuccessful. Church officials believe that the fact that many members of these groups are Uzbek nationals is at the root of the bureaucratic obstructionism that they are facing. The Committee on Religious Affairs (CRA) denied the Greater Grace Christian Church of Samarkand permission to have a Finnish, rather than Uzbek, pastor. The church's application for registration was therefore blocked until this issue is resolved. The Tashkent International Protestant Church was denied registration because its members were not Uzbek citizens. However, the CRA gave permission for the church to meet and hold services. The church has appealed to the Presidential Commission on the Implementation of the Religion Law, which has authority to grant exceptions to the requirements of the law. By year's end, the Commission had not met.

At year's end, the Government had registered 1,979 religious congregations and organizations, 1,805 of which were Muslim. The 174 registered minority religious groups include 47 Korean Christian, 32 Russian Orthodox, 30 Pentecostal ("full gospel"), 23 Baptist, 10 Seventh-Day Adventist, 8 Jewish (1 Ashkenazy, 6 Bukharan, 1 mixed), 7 Baha'i, 4 Lutheran, 3 Roman Catholic, 2 Jehovah's Witnesses, and 2 Krishna Consciousness groups. Several of these congregations had fewer than the required 100 members but received exemptions from the requirement. An additional

335 applications had been denied, 323 of which were from Muslim groups. The number of mosques has increased significantly from the 80 or so permitted in the entire Soviet Union to 1,800 registered currently, but has decreased from the 4,000 or more that opened after the country gained independence and before registration procedures were in place.

Authorities tolerate many Christian evangelical groups, but often harass those that openly try to convert Muslims to Christianity. Police occasionally have broken up meetings of unregistered groups. Leaders of such groups have been assessed fines or even imprisoned. In August police allegedly detained a group of unregistered Baptists meeting in a private apartment in Chirchik for 2 days, during which police allegedly beat them. After a similar incident in October 1999 in Karshi, the Committee on Religious Affairs claimed that it took steps to ensure that police allow such Baptist congregations, which consider registration to be inconsistent with their religious beliefs, to meet undisturbed for worship.

In July police in Nukus, Karakalpakstan, arrested Nikolai Rodzinski, pastor of a small unregistered Baptist group, after allegedly planting narcotics in his bicycle pack; he was released in late September. Rodzinski came to the attention of the police because members of his congregation participated in a summer youth camp sponsored by the registered Korean Christian church "Mir." Karakalpak authorities closed the camp in July and in August ordered Pastor Vladimir Kim to close his church, on the grounds that the camp had taught religion to minors without parental consent, a violation of the religion law. Kim maintains that all parents had signed consent forms.

The Nukus Full Gospel Church has not reopened since the August 1999 presidential pardon of Pastor Rashid Turibayev, who had been imprisoned on religious and falsified narcotics charges. Nukus authorities have not returned the property confiscated in 1999 after Turibayev and two associates were convicted, and have not returned title to the church building to the Full Gospel Church headquarters in Tashkent. Local observers claim that after their release, the three were subjected to regular police harassment. Turibayev now lives in Kazakhstan where he is preaching to a Full Gospel congregation.

Central government officials, as well as many Christian leaders, view these and other incidents of harassment as isolated cases of local officials misapplying the law.

The Government's most serious abuses of the right to religious freedom were committed against Muslims. The Government's campaign against independent Muslim groups, begun in the early 1990's, resulted in numerous serious human rights abuses during the period covered by this report. The campaign has been directed at three types of Muslims: Alleged Wahhabists, including those educated at medrassas (schools) abroad and followers of missing imams Nazarov of Tashkent and Mirzaev of Andijon; those suspected of being involved in the 1999 Tashkent bombings or of being involved with the IMU, whose roots are in Namangan; and suspected members of Hizb ut-Tahrir throughout the country.

The line between the so-called Wahhabists and those suspected of being involved in the 1999 bombings and the IMU insurgency in 2000 is not always apparent, even to an unbiased observer. Both Wahhabism and the IMU stem from the growth of independent Islam that the Government has sought to suppress since the early 1990's. Based on the court record, the distinction is that the Government considers the Wahhabists to be extremists and potential terrorists and those suspected of involvement in the bombings to be active terrorists. The Government does not consider repression of these groups to be a matter of religious freedom, but instead to be directed against those who oppose and even may take up arms against the political order. However, authorities are highly suspicious of those who are more pious than is the norm, including frequent mosque attendees, bearded men, and veiled women. In practice this approach results in abuses against many devout Muslims for their religious beliefs.

On September 5, President Karimov signed a decree promising full amnesty to repentant Uzbek citizens who have joined "terrorist groups under the influence of religious extremists" abroad, but who have not participated in the insurgency.

Following both the December 1997 murder of police officials in Namangan and the February 1999 terrorist bombings in Tashkent, police detained hundreds and perhaps thousands of suspected Wahhabists. The majority of those detained were released after questioning and detention that lasted as long as 2 months. The police routinely planted narcotics, ammunition, and, beginning in 1999, religious leaflets, on citizens to justify their arrest.

To determine whom to arrest, the Government used the local mahalla (neighborhood) committees as a source of information. Shortly after the February 1999 Tashkent bombings, President Karimov directed that each committee assign a "defender of the people," whose job it was to assure that young persons in the neighbor-

hoods were not joining independent Islamic groups. The committees identified for police those residents who appeared suspicious. In an interview with the Associated Press in September, an official of the Committee on Religious Affairs said that the mahallas had identified 10,700 persons with extremist tendencies. Asked how mahalla officials know who is an extremist, the official replied "you can see it in their eyes." Human rights observers noted that in practice the committees often perceived as suspicious those same individuals who already had been detained by the police in the wake of either the 1997 murders of officials in Namangan or the 1999 Tashkent bombings, and who subsequently had been released because there was no evidence against them. There were dozens of cases involving persons who previously had been detained and released who were rearrested and tried during the year.

The absence of a free press and the rarity of public trials make it impossible to determine how many persons have been incarcerated. Nonetheless, the Moscow-based human rights organization, Memorial, has compiled a list of over 1,400 documented cases of persons allegedly imprisoned for political and religious reasons from January 1999 to April 2000 (see Section 1.e.). Memorial estimated that the total number of such prisoners was between 4,000 and 5,000. Human Rights observers estimate credibly that from 30 to 50 persons were convicted for alleged Islamic extremism each week during the reporting period. The number of those in pretrial detention is unknown but is probably several hundred. Nearly all those listed were accused of being Muslim extremists. By the end of June of this year, the Government had convicted 128 persons for direct involvement in the bombing plot. Of these, at least 18 received death sentences, most of which reportedly have been carried out.

Pavlonazar Khodjaev was sentenced to death in May for allegedly having links to the IMU and helping plan a terrorist action near Yangiabad. Khodjaev's father had been imprisoned in 1999, according to human rights activists, because of his refusal to divulge to authorities the whereabouts of Pavlonazar and another of his sons. The elder Khodjaev was beaten to death in Jaslik prison in July 1999.

Abdurakhim Abdurakhmanov, an independent Tashkent imam and follower of Imam Nazarov, was arrested on or about April 27. The Government held him incommunicado and did not inform his family of his whereabouts. Abdurakhmanov had been fired from his job as leader of the Kokoldash Madrassa in 1996 and was arrested, severely beaten, and imprisoned briefly in 1998 after police claimed to have found narcotics and a false passport on him. After the recent arrest, officials questioned his wife and sister-in-law, accusing them of Wahhabism. He was convicted in July and sentenced to 17 years in prison. At his trial he claimed that he was tortured.

A leading independent Muslim cleric, Imam Abidkhon Nazarov, has been missing since March 1998, when dozens of police and security agents raided and searched his home. Although his family claims that the security services abducted him, the Government and many observers believe that he fled to avoid arrest.

There was one new development in the October 1999 release of leading Islamic figure Imam Abduvakhid Yuldashev, who was rearrested on July 23. Since his arrest he allegedly has been mistreated severely. He was held incommunicado for some 6 months and was twice beaten into signing documents refusing counsel. Another Islamic activist, Abdurauf Gafurov, remains free after his 1999 release.

There were no reported developments in the 1995 disappearance of Imam Abduvali Kori Mirzaev or the 1997 disappearance of his assistant, Nematjon Parpiev; or the 1992 disappearance of Abdullah Utaev, leader of the outlawed Islamic Renaissance Party.

Several persons arrested for religious reasons apparently died from mistreatment in custody (see section 1.a.).

Students who in 1997 and 1998 were expelled from schools for wearing religious dress were not allowed to re-enroll in 2000 (see Section 1.f.).

Synagogues function openly; Hebrew education (long banned under the Soviets), Jewish cultural events, and the publication of a community newspaper take place undisturbed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for free movement within the country and across its borders, and the Government generally respected these rights; however, at times it limited this right. Citizens must have permission from local authorities in order to resettle in a new city. The Government rarely grants this permission to those who wish to move to Tashkent. The Government requires citizens to obtain exit visas for foreign travel or emigration, but grants these permits routinely. All citizens have a right to a passport, and the Government does not restrict this right. The new passports serve as both internal identity cards and, when properly certified, as external passports. Every citizen must carry such a document when trav-

eling inside or outside the country. Police occasionally confiscate these documents, severely restricting a person's right to travel.

Movement within the country of foreigners with valid visas generally is unrestricted. However, in mid-year, mountainous regions in the South and East of the country were closed to traffic because of the IMU insurgency. Visitors require special permission to travel to certain areas, such as Termez, on the Afghan border.

Several Uzbek human rights activists were able to leave and reenter the country without encountering problems from the Government. The Government has not returned the passport of human rights activist Mikhail Ardzinov which police had confiscated in June of 1999. This restricted his freedom of movement within the country and prevented him from attending international conferences.

The law on citizenship stipulates that citizens do not lose their citizenship if they reside overseas. However, since Uzbekistan does not provide for dual citizenship, those acquiring other citizenship lose Uzbek citizenship. In practice the burden is on returning individuals to prove to authorities that they have not acquired foreign citizenship while abroad. There were reports during the year that some ethnic Russians attempting to return after residing abroad were denied residence permits and new passports.

There is no law concerning the rights of refugees and asylum seekers, and the Government does not recognize the right of first asylum. The Government does not adhere to the 1951 Convention Relating to the Protection of Refugees and its 1967 Protocol. The Government considers asylum seekers from Tajikistan and Afghanistan to be economic migrants, and such individuals are subject to harassment and bribe demands when seeking to regularize their status. They may be deported if their residency documents are not in order. However, the Government agreed in August 1999 that it would not force those who have received U.N. High Commissioner for Refugees (UNHCR) mandate refugee status to leave the country. The UNHCR reports that the policy appears to be working, and that police rarely harass mandate refugees.

The population includes ethnic Koreans, Meskhetian Turks, Germans, Greeks, and Crimean Tartars deported to Central Asia by Stalin during World War II. These groups enjoy the same rights as other citizens. Although they are free to return to their ancestral homelands, absorption problems in those countries have slowed that return. Although there are no official statistics, observers including the UNHCR estimate that there are 30,000 Tajik and 8,000 Afghan refugees in the country. As of December 31, there were 1,351 UNHCR mandate refugees, with roughly 450 cases pending decision. According to the UNHCR there were no cases of forced repatriation of persons to a country where they feared persecution.

During the August conflict with the IMU, the Government ordered the evacuation of at least five villages in the Surkhandarya region near the border with Tajikistan. After spending 2 months in a temporary camp, the villagers were transferred in November to a newly constructed settlement over 200 kilometers away. Conditions in the settlement are reportedly extremely poor and residents are suffering from a shortage of food. Several of the residents have told international observers that police have detained and beaten most of the men in an effort to find those who may have collaborated with the IMU. Estimates of the number in police detention at year's end ranged from 39 to over 120. One resident, Hazratkul Kodirov, died in late December, according to his brother, from injuries sustained during interrogation (see Section 1.a.).

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

While the Constitution provides for this right, in reality citizens cannot change their government through peaceful and democratic means. The Government severely represses opposition groups and individuals and applies strict limits on freedom of expression. No opposition groups participated in government or were allowed to function legally.

The Government is highly centralized and is ruled by a strong presidency. President Karimov, formerly the first secretary of the Communist Party in Uzbekistan under Soviet rule, was elected in a limited multicandidate election in 1991. A 1995 Sovietstyle referendum and subsequent parliamentary decision extended Karimov's first term until 2000. He was reelected in January to a second term with 92.5 percent of the vote. Karimov's opponent, Abdulhafiz Jalalov ran a token campaign, and admitted on election day that he himself had voted for Karimov. The Organization for Security and Cooperation in Europe (OSCE) declined to monitor the presidential election on the grounds that the preconditions did not exist for it to be free and fair.

President Karimov and the executive branch retain control through sweeping decree powers, primary authority for drafting legislation, and control of virtually all government appointments, most aspects of the economy, and the security forces.

Most government officials are members of the People's Democratic Party of Uzbekistan (PDP), formerly the Communist Party and still the country's largest party. However, the party as such does not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996. There are four other parties; however, these were created with government assistance and are loyal to President Karimov. All five parties participated in the December 1999 elections to the Oliy Majlis, during which 93 percent of the electorate reportedly cast their vote. However, parties that competed in the parliamentary elections, as well as the numerous independent candidates, were congenial to the Government and did not represent a real choice for voters.

Because the voters lacked a choice, the OSCE and many international observers concluded that the December 1999 legislative elections fell short of adherence to accepted standards of free and fair elections. Local and regional hokims (governors)—who are appointed by the president—exerted a strong influence on the selection of candidates and the conduct of campaigns. Nearly half (110 out of 250) of those elected were not from party lists but were either hokims themselves or were nominated by the hokims' local assemblies. Only 16 of the 250 winning candidates had been nominated by citizens' initiative groups. These candidates generally were allowed on the ballot only if the hokims approved them.

The Oliy Majlis is constitutionally the highest government body. In practice, despite assistance efforts by international donors to upgrade its ability to draft laws independently, its main purpose is to confirm laws and other decisions drafted by the executive branch rather than to initiate legislation.

New laws governing the conduct of parliamentary and presidential elections, as well as a law creating a Central Election Commission, came into effect in 1998. These laws, combined with the 1997 law on political parties, make it extremely difficult for opposition parties to come into being, to nominate candidates, and to campaign. The procedures to register a candidate are burdensome and the Central Election Commission has authority to deny registration. For example, a presidential candidate is prohibited from campaigning before being registered, but must present a list of 150,000 signatures in order to be registered. The Central Election Commission must deny registration of presidential candidates who are found to "harm the health and morality of the people." The 1998 statutes deleted a previous provision allowing recourse to the Supreme Court to candidates whose parties are denied registration. The Ministry of Justice has the right to suspend parties for up to 6 months without a court order.

Citizens initiative groups of 100 members or more may nominate candidates to the Parliament by submitting signatures of at least 8 percent of the voters in the electoral district. Other interest groups are forbidden from participating in campaigns and candidates may meet with voters only in forums organized by precinct election commissions. The 1998 laws repeal the right of parties to fund their candidates' campaigns directly. Instead, parties must turn over all campaign money to the Central Election Commission, which then distributes the funds equally among the candidates. Only the Central Election Commission may prepare and release presidential campaign posters. In August 1999, the Parliament enacted minor modifications to the election laws, but these have had little practical effect.

According to the Law on Political Parties, judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons (among others) cannot join political parties. By law the Government prohibits formation of parties based on religion or nationality; those that oppose the sovereignty, integrity and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility. Political organizations that seek to overthrow the Government, or sow national or racial hatred, are prohibited. Moreover, the Government has refused to register democratic political opposition organizations. Membership in unregistered political organizations is not forbidden officially, but membership in unregistered organizations with a prohibited goal or premise is forbidden.

The Government continues to persecute members of unregistered, political opposition groups using such methods as arbitrary arrest, conviction on falsified charges, surveillance, and loss of employment. The leaders of the two largest unregistered opposition groups in the country—Mohammed Solikh of the Erk Democratic Party and Abdurakhim Polat of the Birlik Democratic Movement—were forced into exile in the early 1990's. After the February 1999 Tashkent bombings, persecution of members of these groups intensified. The Government repeatedly has accused Erk leader Solikh, who ran against Karimov for the presidency in 1992, of being a leader

of the terrorist plot behind the bombings. Solikh was 1 of the 9 defendants-in-absentia in the November show trial of 12 alleged bombing conspirators. He was convicted and sentenced to 15.5 years in prison. Two of Solikh's brothers (Rashid and Muhammed Bekhjanov) were imprisoned since soon after the bombings and were convicted on political charges in August 1999, along with noted poet and former Solikh associate Mamadali Makhmudov and another defendant affiliated with the Birlik party.

Dozens of Erk and Birlik activists reported that after the bombings they were subjected to various forms of harassment: Frequent surveillance; restrictions on movement; searches of their homes; lengthy police interrogations; and, occasionally, detentions.

Traditionally, women participate much less than men in government and politics, and are underrepresented in these areas. There are 17 female deputies in the 250-member Parliament. There are 2 women (both with the rank of Deputy Prime Minister) among 28 members of the Cabinet; 1 is charged specifically with women's issues.

There are nine ethnic Russians or Ukrainians, six Karakalpaks, three Kazakhs, one Korean, and one Armenian in the Parliament.

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

The Government restricts and harasses local NGO's working on human rights and refuses to register the country's two main human rights organizations. Both the Minister of Internal Affairs and the Minister of Justice accused publicly both local and international human rights organizations of giving support to the country's enemies.

In the verdict in the case of Kamoletdin Sattarov in Andijon in July, the court ordered destroyed 17 individual appeal forms from the U.N. High Commissioner for Human Rights that police had found in Sattarov's home on February 3. Uzbek citizens exercising their right to free speech had filled out six of these forms; eleven were blank. The prosecution treated the forms, as well as two Hizb ut-Tahrir leaflets, as evidence of Sattarov's antistate activities. He was sentenced to 9 years in prison. Upon appeal in August, the regional court voided the verdict of the Andijon court and ordered a new trial. In his retrial, Sattarov was sentenced to 10 years in prison, 1 year more than his original sentence. However, the judge ordered that the U.N. High Commissioner for Human Rights forms be returned to Sattarov's family. Sattarov's appeal of this verdict summarily reconfirmed the new sentence in December.

Security forces continue to harass and abuse human rights activists. The chairman of the HRSU, Abdumannob Polat, lives in voluntary exile. Neither the IHROU nor the HRSU resubmitted applications to register during the year. However, HRSU's attempt to hold a congress of its members, required in order to submit a new registration application, was blocked by local officials on December 22 (see Section 2.b.)

On December 21, President Karimov pardoned and released Mahbuba Kasimova, an IHROU human rights activist and member of the Birlik Democratic Movement. Kasimova, who had been sentenced to 5 years in prison in a 3-hour trial in July 1999, had received international attention as a political prisoner. There were no developments in the case of Ismail Adilov, another IHROU activist who was imprisoned in 1999 on charges widely believed to be fabricated.

One international human rights group, HRW, has permission to operate in the country and has had an office in Tashkent since 1996. The group operates independently and has no affiliation with the Government.

The Government registered one human rights NGO in 1996. The registered NGO, the Committee for Protection of the Rights of Individuals, was formed with the support of the Government but also has ties to opposition figures. Some sources affiliated with other groups have questioned its independence from the Government. The organization acts as the Uzbek affiliate of the International Society for Human Rights based in Germany.

Since 1997 there has been a human rights Ombudsman's office affiliated with the Parliament. The Ombudsman may make recommendations to modify or uphold decisions of state agencies, but the recommendations are not binding. The Ombudsman is prohibited from investigating disputes within the purview of courts. The Ombudsman replaced the parliamentary human rights commissioner, who had insufficient trained staff to carry out in-depth investigations of human rights violations and did not vigorously pursue allegations against the police and security forces. The office of the Ombudsman increased its staff and received authorization to open regional offices throughout the country. The Ombudsman issues reports identifying the most

serious types of violations of human rights by government officials. The office claims that it has assisted hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police and local officials. Most of the successfully resolved cases appear relatively minor. In February the current Ombudsman, Sayora Rashidova, sponsored a roundtable to discuss problems with the country's religion law. Non-state attendees included the mufti, the Russian Orthodox Church, academics, an international NGO, the OSCE, and various diplomatic missions.

The National Human Rights Center of Uzbekistan, created by presidential decree in 1996, has as its purpose to educate the population and government officials about the principles of human rights and democracy. The center's chief activity is to hold seminars and training, and it is not involved in human rights advocacy. The center has worked closely with international organizations such as the UNDP and the OSCE.

The Government is willing to discuss human rights matters with organizations such as the OSCE, as well as with foreign embassies. The UN has not sent human rights commission members or special rapporteurs to the country. The Government is generally willing to hold an open dialog with international human rights NGO's, and held several high-level discussions with representatives of HRW during 1999.

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

Both the Constitution and the 1992 law on citizenship prohibit discrimination on the basis of sex, religion, language, or social status; however, societal discrimination against women persists.

Women.—Spousal abuse is common, but both local activists and the police say they have no statistics on the issue. At a September 1999 seminar on domestic violence, representatives of NGO's with crisis centers reported that the number of women seeking assistance is growing rapidly. Wife beating is considered a personal family affair rather than a criminal act, and thus such cases usually are handled by family members or elders within the community (mahalla) and rarely come to court.

In December a U.S.-based NGO, Minnesota Advocates for Human Rights, released a major study on Domestic Violence in Uzbekistan. While the lack of reporting prevented the authors from determining the number of cases annually, the study concluded that domestic violence is widespread and that the Government has failed to combat or even acknowledge the problem. Another U.S.-based NGO, Winrock International, which helps develop women's organizations in Uzbekistan, agreed with the conclusions of the study but noted that public officials were willing to speak openly about the problem of domestic violence in Uzbekistan.

Trafficking in women for the purpose of prostitution occurs, particularly to the Persian Gulf, Turkey and South Korea (see Section 6.f.). Prostitution within the country is a growing problem stemming from the worsening economic situation.

Due to tradition, women, particularly in rural areas, usually marry before age 20, bear many children, and confine their activities to within the family. In rural areas, women often find themselves working in the cotton fields during the harvest season. However, women are not impeded formally from seeking a role in the workplace. The barriers to equality for women are cultural, not legal, and women who open businesses or seek careers are not hindered legally.

Although the law prohibits discrimination against women, traditional cultural and religious practices limit their role in everyday society. For these reasons, women are underrepresented severely in high-level positions. In 1995 President Karimov issued a decree on measures to increase the role of women in society, particularly extending their participation in state and social administration and coordinating the activities of ministries and social organizations as they relate to women's issues. In this connection, a deputy prime minister position was created in 1995 charged with furthering the role of women in society. This cabinet level official is also head of the National Women's Committee. The edict also mandated the formation of regional women's committees throughout the country, headed by government-appointed officials. In September the National Women's Committee sponsored a meeting commemorating the fifth anniversary of the Beijing Conference. According to NGO participants at this meeting, the Government for the first time showed a willingness to work together with NGO's on a common plan of action.

The President declared 1999 to be the "year of the woman." In April 1999 the Government promulgated a law extending additional rights to women; it reduced the workweek to 35 hours for female employees of the State and reduced the optional retirement age for women to 54 years (after 20 years of employment). Government-sponsored activities also included a series of seminars, newspaper articles,

public service announcements, and television programs that increased awareness of women's issues.

Several dozen NGO's address the needs of women. For example, the Business-women's Association in Tashkent, in addition to providing resources and information about developing small enterprises, operates a store that sells clothing and crafts. A center in Tashkent conducts seminars on sexual harassment, domestic violence, and the legal rights of women. Another center in Samarkand operates a crisis hot line and provides educational services on alcoholism, sexually transmitted diseases, and family counseling.

In parts of the country, some women and girls resort to suicide by self-immolation. There are no reliable statistics on the extent of this problem, since most cases go unreported. However, representatives of women's groups continue to observe an increase in self-immolation. After marriage many women or girls move into the husband's home, where they occupy the lowest rung on the family social ladder. A conflict with the husband or mother-in-law, who by tradition exercises complete control over the young bride, usually is the stimulus for suicide.

A 1997 research study indicated that the number of women enrolling in higher education was diminishing; for example, women's enrollment in the finance and banking institute dropped from 65 percent in 1991 to about 25 percent in 1997. Cutbacks in government funding to universities and the need for families to fund a higher percentage of educational costs leaves many families in the position of being able to fund the education of only one child, either a son or a daughter. The report stated that university faculty "steer" women into occupations traditionally performed by females and suggested that administrators may practice a policy of deliberately barring entrance to women in some fields.

Children.—The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they reach majority at age 18. Traditional Uzbek values reinforce the cohesion of families; in most cases, several generations of a family live together. In theory the State provides free universal primary education and health care; however, in practice shortages and budget difficulties mean that some services must be paid for privately. The State grants monetary allowances to families based on their number of children. The country has a very high birth rate; over one-half of the population is under the age of 18.

Nine years of formal schooling are compulsory, and the average length of schooling is over 11 years. The U.N. Development Program reports that 100 percent of children complete secondary school.

There is no societal pattern of abuse of children. Trafficking in girls for the purpose of prostitution occurs (see Section 6.f.).

People with Disabilities.—One of the country's first laws, adopted only 2 months after independence in 1991, provided support for the disabled. This law was aimed at ensuring that the disabled have the same rights as other citizens. However, little effort is made to bring the disabled into the mainstream. The State cares for the mentally disabled in special homes. The Government has not mandated access to public places for the disabled.

National/Racial/Ethnic Minorities.—Government statistics dating from 1992 show that the population of approximately 23 million is about 71 percent Uzbek, 8 percent Russian, 5 percent Tajik, 4 percent Tatar, and 3 percent Kazakh, with many other ethnic groups represented. The statistics may underestimate the actual number of ethnic Tajiks. The figures treat ethnic Tajiks whose mother tongue was Uzbek as ethnic Uzbeks. Moreover, some Tajiks choose for a variety of reasons to declare themselves to be ethnic Uzbeks.

Ethnic groups other than Uzbeks, particularly Russians, frequently complain that job opportunities are limited for them. Senior positions in the government bureaucracy and business generally are reserved for ethnic Uzbeks, although there are numerous exceptions to this rule.

The 1992 citizenship law does not impose language requirements for citizenship. Nonetheless, the language issue remains very sensitive. Uzbek has been declared the state language, and the Constitution requires that the President speak Uzbek. However, the language law provides for Russian as "the language of interethnic communication." Russian is spoken widely in the main cities, and Tajik is spoken widely in Samarkand and Bukhara. The 1989 language law originally required that Uzbek would be the sole method of official communication by 1998, but subsequently was modified and now stipulates no specific date. The Government also is in the process of replacing the Cyrillic alphabet with the Latin alphabet. However, realizing the difficulties for Uzbeks and minorities alike, the Government has delayed the full transition to both the Uzbek language and the Latin alphabet to 2005.

Section 6. Worker Rights

a. The Right of Association.—The 1992 law on unions specifically provides that all workers have the right voluntarily to form and join unions of their choice, and that trade unions themselves voluntarily may associate territorially or sectorally. Membership in trade unions is optional. The law also declares all unions independent of the State's administrative and economic bodies (except where provided for by law), and states that trade unions should develop their own charters, structure, and executive bodies and organize their own work.

However, in practice the overall structure of trade unions has not changed significantly since the Soviet era. Independence has eliminated subordination to Moscow but has not altered the centralized trade union hierarchy, which remains dependent on the Government. No alternative union structures exist.

A few new professional associations and interest groups have been organized, such as a union of entrepreneurs, a union of renters, and an association of private physicians and pharmacists. Registered professional associations for judges and lawyers formed in 1997; both organizations are quasigovernmental. An association of broadcasters that formed in 1998 has failed to gain government registration (see Section 2.b.). The main activity of all registered associations is professional development. They do not license members and have no formal role in advocating the interests of members in relation to the Government.

According to the law, the Council of the Federation of Trade Unions (CFTU) has a consultative voice in the preparation of all legislation affecting workers and is entitled to draft laws on labor and social issues. Trade unions are described legally as organizations that defend the right to work and to protect jobs. They have lost their previous role in state planning and in the management of enterprises. The emphasis now is on the unions' responsibility for "social protection" and social justice—especially unemployment compensation, pensions, and worker retraining.

The trade union law does not mention strikes or cite a right to strike. However, the law does give the unions oversight for both individual and collective labor disputes, which are defined as those involving alleged violations of labor laws, worker rights, or collective agreements.

There were no reports of strikes. This circumstance likely reflects the absence of truly representative trade unions, as the standard of living fell and growing unemployment raised social tensions. The absence of labor activism also reflects the Communist legacy of docility in the face of authority. However, both union and government officials assert that the lack of strikes reflects general support for the Government's policies and common interest in social stability.

The 1992 law on unions provides that unions may choose their own international affiliations; however, none have done so.

b. The Right to Organize and Bargain Collectively.—Trade unions may conclude agreements with enterprises. Privatization is still in its very early phase. As a result, there is no experience with negotiations that could be described as adversarial between unions and private employers. The State is still the major employer, and the state-appointed union leaders do not view themselves as having conflicts of interest with the State.

The Ministry of Labor and the Ministry of Finance in consultation with the CFTU, set the wages for various categories of state employees. In the small private sector, management establishes wages or negotiates them with those who contract for employment.

The law forbids discrimination against union members and their officers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Constitution specifically prohibits forced labor, including by children, except as legal punishment or as may be specified by law; however, some abuses including trafficking in women and girls for the purpose of forced prostitution occur (see Section 6.f.). No statute specifically prohibits forced and bonded labor by children, and large-scale compulsory mobilization of youth and students (by closing schools) to help with the cotton harvest continues. Student labor is paid poorly, and students sometimes must pay for their food. Adults, including teachers and passersby in automobiles and busses, similarly are forced into the harvest effort.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age is 16 years; 15-year-olds can receive state permission to work but have a shorter workday. In rural areas, younger children and the elderly often help to harvest cotton and other crops (see Section 6.c.). The Labor Ministry has an inspection service, which is responsible for enforcing compliance with these and other regulations governing employment conditions, and enforces them effectively.

The law prohibits forced and bonded labor by anyone, including children; however, trafficking in girls for forced prostitution and compulsory mobilization for the cotton harvest occur (see Section 6.c.).

e. Acceptable Conditions of Work.—The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. As of September 1, it was less than \$4 (2,450 soum) per month. The minimum wage is not sufficient to provide a decent standard of living for a worker and family.

The standard workweek is set at 41 hours and requires a 24-hour rest period. Some factories apparently have reduced work hours in order to avoid layoffs. Overtime pay exists in theory but is not always paid.

Pay arrearages of 3 to 6 months are not uncommon for workers in state-owned industries. The problem appears to be growing.

The Labor Ministry establishes occupational health and safety standards in consultation with the unions. There is a health and safety inspectorate in the Ministry. The local press occasionally published complaints about the failure of unions and government authorities to do enough to promote worker safety. Although written regulations may provide adequate safeguards, workers in hazardous jobs often lack protective clothing and equipment. Workers are permitted to leave jobs that are hazardous without jeopardizing their employability in other jobs; however, in practice, high rates of underemployment make such action difficult.

f. Trafficking in Persons.—There are no laws relating specifically to trafficking in persons. Trafficking in women and girls for the purpose of forced prostitution occurs, particularly to the Persian Gulf, South Korea, and Turkey (see Section 5). However, there are no reliable statistics on this problem, and it does not seem to be carried out on a large scale. Uzbekistan is a source country, but not a destination or transit point, for trafficking in persons. The Government has not had occasion to assist with international investigations of trafficking or to extradite citizens accused of trafficking in other countries.

Anecdotal reports from NGO's indicate that the number of young women from Uzbekistan who are forced into prostitution abroad is growing. The Government has not acknowledged the problem publicly, but has taken some measures to combat it. According to NGO representatives, the police force in Samarkand formed a special unit on trafficking in women in 1998, but the unit's effectiveness is hampered by a lack of resources. Border guards at airports were directed to give more scrutiny to unaccompanied young women traveling to Turkey, the United Arab Emirates, and South Korea; they are authorized to deny such women permission to leave the country. There is no government program to educate or assist potential victims; however, the State University for World Economy and Diplomacy sponsored a series of lectures on domestic violence and trafficking in women during the year.

FEDERAL REPUBLIC OF YUGOSLAVIA

The Federal Republic of Yugoslavia¹ (Yugoslavia), a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro, has a president and a parliamentary system of government based on multiparty elections. The new federal Government, which was formed on November 4, dropped any claim to being the sole successor state of the former Socialist Federal Republic of Yugoslavia (which dissolved in 1992), and was recognized by the international community. Vojislav Kostunica was elected President of the Federal Republic of Yugoslavia on September 24, and took office on October 7, after mass demonstrations by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and force a second election round led Milosevic to concede defeat. Prior to Kostunica's election, former Yugoslav President Milosevic had brought Serbia closer to open dictatorship than ever before. Immediately following the 1999 war in Kosovo, Milosevic moved to consolidate his weakened position in Serbia through a campaign of intimidation and violence against his political opponents, representatives of the independent media, student groups, civil society, and even, in certain cases, members of the regime. Prior to the September elections, Milosevic, who is also President of the Socialist Party of Serbia (SPS), continued to dominate all formal and informal governing institutions in the country. Although the SPS lacked

¹ The report on the Federal Republic of Yugoslavia is discussed in three separate sections on Serbia, Kosovo, and Montenegro and addresses the human rights situations in each of these entities. Since federal authority was exercised effectively only over the Republic of Serbia throughout the year, the human rights situations in Kosovo and Montenegro are dealt with in separate sections following this report.

majorities in both the Federal and Serbian Parliaments, it controlled key administrative positions. The SPS also controlled the governing coalition with the Yugoslav Left (JUL), controlled by Milosevic's wife, Mira Markovic, and the Serbian Radical Party (SRS), controlled by Vojislav Seselj, an extreme ultranationalist known for his radical politics during the wars in Croatia and Bosnia, who resigned from his government position in October. Milosevic also controlled the judiciary.

As a key element of his hold on power, President Milosevic until his electoral defeat effectively controlled the Serbian police, a heavily armed force of some 80,000 officers that is responsible for internal security. Having been forced to withdraw from Kosovo in 1999, the police then repressed opponents of the regime in Serbia. In addition, Milosevic ignored the constitutional role of the Supreme Defense Council, essentially establishing himself as commander in chief of the Yugoslav Army (VJ), which, along with the police, was employed in the brutal campaign against the citizens of Kosovo in 1999. Several times in the past, Milosevic had purged those officers in both the police and military who either failed to follow his orders or who directly challenged his policies in Kosovo, Serbia, or Montenegro. The security forces committed numerous, serious human rights abuses.

Following the war in Kosovo, international economic sanctions remained in place much of the year. The international community began to remove those sanctions after Kostunica's election. The economy inherited by the new Government suffered from continued exclusion from international financial institutions and from the damage inflicted on infrastructure during 10 years of war. Economic performance is poor due to the general inefficiency in the economy, corruption, and continued resistance to reform and privatization. Unemployment and underemployment remain high, reaching at least 60 percent, as the Milosevic Government was unable or unwilling to introduce necessary restructuring measures. The Milosevic Government also failed to implement needed sweeping economic reforms to help the economy, including privatization, due to the influence of the regime's crony system.

Under Milosevic the Government's human rights record remained extremely poor, and it continued to commit numerous serious abuses. Milosevic attempted to prevent citizens from exercising their right to change their government. The police were responsible for numerous serious abuses, including extrajudicial killings, disappearances, torture, brutal beatings, and arbitrary arrest and detention. Impunity for those who committed human rights abuses was a serious problem. Often, serious crimes such as murder remained uninvestigated and unsolved. The judicial system was not independent of the Government, suffered from corruption, and did not ensure fair trials. Under the Milosevic regime, there were many cases of political detainees and political prisoners. However, under Kostunica, the new Government released two prominent political prisoners—journalist Miroslav Filipovic in October and human rights activist Dr. Flora Brovina in November. In December Kostunica also pardoned opposition activist Bogoljub Arsenijevic, known as "Maki." Under the Milosevic regime, the authorities infringed on citizens' privacy rights. The Milosevic Government severely restricted freedom of speech and of the press and used overbearing police intimidation and economic pressure to control tightly the independent press and media. Most journalists continued to practice self-censorship. The Milosevic Government restricted freedom of assembly and association. Police repressed citizens who opposed the Milosevic regime and severely beat scores of democratic opposition protesters throughout Serbia, sending many to hospitals. The Milosevic Government infringed on freedom of worship by minority religions and restricted freedom of movement. The regime enacted legislation to manipulate the electoral process, most recently in the summer, when Milosevic made changes to the Constitution that allowed him to be elected by popular vote to another term as President of Yugoslavia. Milosevic banned objective international observers from monitoring the September 24 elections for Yugoslav President and attempted to falsify election results. The Federal and Serbian Governments' record of cooperation with international human rights and monitoring organizations remained poor. The Milosevic Government routinely hindered the activities of local human rights groups.

The Federal Government remained uncooperative with the International Criminal Tribunal for the Former Yugoslavia (ICTY). It again failed to meet its obligations under numerous U.N. Security Council Resolutions to comply fully with the Tribunal's orders, and failed to transfer or facilitate the surrender to the Tribunal of persons on its territory indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal. (These persons include Milosevic and four of his top aides, who were indicted in 1999 for their role in the Kosovo war). Violence and discrimination against women remained serious problems. Police repression and official and societal discrimination against Muslims in the Sandzak region, Roma, and other minorities persisted. The regime limited unions not affiliated with the Govern-

ment in their attempts to advance worker rights. There was some child labor. Serbia is a source, transit, and destination country for trafficking in women and girls, and trafficking is a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and other Extrajudicial Killing.—Police committed extrajudicial killings. In November the Democratic Opposition of Serbia (DOS) Minister of the Interior, Bozo Prelevic, reported that he had received evidence suggesting that the head of the Republican State Security service, Rade Markovic, was involved in the April 1998 killing of Slavko Curuvija, the publisher of an independent Belgrade tabloid newspaper and weekly news magazine (see Section 2.a.).

The number of political and extrajudicial killings increased, and there were many indications of complicity at the highest political levels. The targets of such attacks were not limited to opposition activists. Numerous deaths of persons close to the regime in the first half of the year suggested efforts on the part of the Government to consolidate its authority and remain in power. Typically no one was arrested for such killings.

The most notable politically motivated killing was that of Zeljko Raznatovic, also known as “Arkan”—a notorious paramilitary commander from the Croatian and Bosnian wars who was indicted by the ICTY. Raznatovic was killed inside Belgrade’s Intercontinental Hotel in January. After his death, rumors began circulating of a falling out with the Milosevic regime. There was an official investigation into his death; however, it yielded no conclusive results.

A number of other prominent political figures were killed during the year. In view of the high level of corruption among the political elite, the precise mix of criminal and political motives for these crimes was difficult to determine. Pavle Bulatovic, the former Yugoslav Minister of Defense and a close associate of the Milosevic family, was killed while dining in a restaurant in February. Another close Milosevic associate, Zika Petrovic, the head of Yugoslav Airlines, was shot and killed in April while walking his dog near Belgrade’s central police station.

Belgrade investigative judge Nebojsa Simeunovic was reported missing in early November. On December 3, police in Belgrade found his body washed up on the banks of the Sava River. Judge Simeunovic had refused to sign warrants for the arrest of DOS party leaders and striking miners during the October popular campaign to unseat Milosevic. He also was in charge of the investigation of several politically sensitive cases, including the 1997 killing of Radovan Stojicic-Bazda and the February killing of Pavle Bulatovic.

Eight Albanians taken from Kosovo by withdrawing Yugoslav forces and detained in prisons within Serbia died in detention during the year (see Section 1.c.).

In March, criminals Branimir “Dugi” Lainovic and “Bata” Vucurovic were killed in Belgrade and Vojvodina, respectively. Neither apparently was involved in politics when killed, but both played significant roles in paramilitary operations in Croatia in the early 1990’s and had links to former Serbian State Security leaders.

On November 21, two Serbian police officers were killed and several were wounded in an attack by the so-called Liberation Army of Presevo, Medvedja, and Bujanovac (UCPMB), an offshoot of the disbanded Kosovo Liberation Army (KLA). On November 27, a 10-year-old boy was killed by an antitank mine planted by the Yugoslav army as his family fled the Presevo valley region for Kosovo. These incidents escalated tensions that had been building throughout the year in the region of southeastern Serbia that borders on Kosovo and encompasses the municipalities of Presevo, Bujanovac, and Medvedja. This region is populated by both ethnic Albanians and Serbs. In November thousands of ethnic Albanians fled the region for neighboring Kosovo and Macedonia, due to fear of a buildup of Serbian police and military forces. Skirmishes between Serbian police and armed Albanian UCPMB members occurred throughout the year, resulting in the reported deaths of several Serbian police as well as some UCPMB members and a few civilians.

b. Disappearance.—Police were responsible for disappearances.

The most notable disappearance was that of former Serbian President Ivan Stambolic, who disappeared while on a daily jog in a park near his home in Belgrade in August. Many observers noted that the timing of Stambolic’s disappearance (only a few weeks ahead of scheduled elections), and the fact that state-run media remained largely silent on the issue, suggested complicity by the Milosevic regime and the Serbian security service. The Serbian State Prosecutor’s office began an investigation into the case in late November, but it had not yielded any results at year’s end.

In April Jan Svetlik, an opposition councilor from Zrenjanin, was abducted by two unknown assailants and kept outside of town for several hours during a session of the local parliament. The abduction allowed the ruling SPS to retain its parliamentary majority despite the fact that two of its own members earlier had defected to the opposition. Police failed to identify the assailants.

Federal and Serbian government authorities have not cooperated fully with efforts to account for the thousands of disappearances of individuals from Kosovo during the first 6 months of 1999, nor have they allowed the International Committee of the Red Cross (ICRC) or other international organizations access to many detention facilities. Some 5,500 persons are missing; some 700 are being detained in Serbian prisons (see Section 1.d.).

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Yugoslav and Serbian law prohibits torture and other cruel forms of punishment; however, security authorities regularly and systematically used torture, beatings in detention, and other forms of abuse against citizens and members of the political opposition. The majority of cases of torture occurred before detainees were charged with offenses or during the period between the filing of charges and the commencement of the trial. Freed prisoners reported being subject to beatings with rubber batons, metal batons, and wooden bats, as well as use of electroshock, starvation, withholding of medical care, and having their hands bound tightly with plastic bands.

On May 17 and 18 in Belgrade, police beat peaceful protesters and used excessive force to disperse street protests against the Government's closing of television Studio B and Radio B2-92 (see Section 2.b.). In June police beat four persons at a police station in Zajecar after they put up opposition posters.

In July Bojan Aleksov, a human rights monitor who worked with the Safe House Project for Conscientious Objectors from the Federal Republic of Yugoslavia and the nongovernmental organization (NGO) Women in Black Against War, was arrested by police in Belgrade after being removed forcibly from his car. During his 23-hour detention, Aleksov repeatedly was threatened with death and interrogated about his human rights work and his connections with the international community. The police tortured Aleksov severely, including by forcing him to stand on his toes while they beat him with a truncheon all over his body. Despite running a fever, the police denied him water for up to 5 hours and kept him awake throughout the night. On the following morning, three police officers beat Aleksov on the soles of his feet, the palms of his hands, and other parts of his body, using a baton. Aleksov finally was forced to write a 12-page confession dictated to him by an officer, which outlined his human rights work and his contacts and visits with international organizations and officials. Under threat of death, Aleksov then was forced to agree to work for the State Security Service. Finally, the police forced Aleksov to repeat parts of the signed statement on video and made him repeat his "confession" three times in order to appear convincing enough. In response to this case, Amnesty International (AI) called for an investigation and the temporary suspension of the officers suspected of beating Aleksov pending final results of that investigation. No investigation was conducted by year's end.

In early September police also beat an Otpor activist, a minor, and forced him to eat one of the movement's posters. A lawyer representing the activist was prevented from attending the interrogation and was not able to contact the activist.

In August police interrogated and beat 19-year-old Rom Sasa Mustafic and threatened his wife, Demira Gezvira, in Belgrade. Mustafic was arrested by police, accused of theft, and allegedly beaten with a stick and punched in the stomach, ribs, back, and head. On September 26, a traffic police officer reportedly beat and threatened Skender Gasi, a 27-year-old Rom from Kosovo, in Belgrade. According to local NGO reports, Gasi did not file a complaint against the officer because he feared reprisals.

In November in Vojvodina police beat and threatened a Hungarian journalist (see Section 5).

In September police detained seven Bulgarian election observers who entered Serbia despite not receiving official credentials. Police beat three of the observers, in one case causing a ruptured eardrum, and confiscated mobile telephones, money, and personal belongings.

Police beat journalists (see Section 2.a.).

There were numerous beatings of members of the political opposition by unidentified groups of men, apparently State Security agents or thugs employed by the Milosevic regime. On February 26, several men attacked and severely beat student Milos Dosen as he pasted up a poster in Belgrade that belonged to Otpor ("Resistance"), a student-led, nonviolent political movement that opposes the Milosevic re-

gime. Despite videotape that showed the attackers and their vehicle's license plates in clear view, police did not investigate the incident.

On April 11, in Novi Sad, two unidentified men beat Radoje Cvetkov, secretary for urbanism in the Novi Sad executive council, which is controlled by an opposition party.

In June police beat a 19-year-old Otpor activist for 3 hours after they found the student movement's material in his car in Lapovo.

According to Human Rights Watch, on September 2, police beat Mile Milic, a DOS candidate for the Lajkovac municipal assembly, after arresting him for hanging DOS posters. On September 3 in Indjija, SPS activists severely beat a minor who was hanging DOS posters. AI reported that on September 4, police beat Darko Pavlovic, an Otpor activist who was arrested in Sabac while hanging DOS posters. On September 8 in Vladicin Han, police detained and beat six Otpor activists. After reportedly tying up the six activists, the police used their fists and batons to beat them on the genitals, kidneys, and heads. One activist, Aleksandar Radic, had a rope placed around his neck. Only after several hundred persons gathered in front of the police station were the activists allowed to leave and seek medical treatment. On September 15, AI reported that police beat two Otpor activists who were spraying antigovernment graffiti in Belgrade and arrested them. They both were sentenced to 10 days' imprisonment for "offenses against public peace and order." Lawyers representing the activists claimed that they were not granted access to their clients before the hearing, and were not permitted to be present while the arresting officer gave evidence.

During the election demonstrations in October, police beat some demonstrators and used tear gas to control crowds (see Section 2.b.).

Serbian Renewal Movement President Vuk Draskovic was wounded slightly after a bullet grazed his head in an attack in Montenegro in June by gunmen reportedly linked to Milosevic's regime (see Montenegro annex).

In June a crowd that emerged from the offices of the ruling Socialist Party attacked activists distributing leaflets in Barajevo.

In early March, unknown assailants damaged the car of Zarko Korac, leader of the Social Democratic Union.

Prison conditions do not meet minimum international standards. Torture and beatings were reported. There were reports that Albanians held in prisons included young children, the elderly, and persons who were blind and deaf (see Section 1.d.). Overcrowding and lack of food, medical care, and heating in winter all are problems.

A total of eight Albanians taken from Kosovo by withdrawing Yugoslav forces and detained in prisons within Serbia died in detention; two were confirmed to have died in August, reportedly one of a heart attack and one of cancer.

A series of prison riots occurred in November. The unrest began in Sremska Mitrovica and spread to prisons in Nis and Pozarevac, as well as Padinska Skela prison near Belgrade and the juvenile penitentiary in Valjevo. Prison inmates demanded an improvement in prison living conditions and an expansion of a proposed amnesty bill for Kosovar Albanian prisoners in Serbia to include other Serbian criminals. Several inmates alleged that they were victims of severe beatings in prison by guards. Prisoners also alleged that they were denied access to health care. Hundreds of ethnic Albanians were evacuated from the Pozarevac prison after they were threatened by Serbs for not joining the protests. One Serb prisoner died after falling off the roof of the Nis prison and several persons reportedly were injured during the riots. In response, the Government pledged emergency funds to improve prison conditions and on November 10, authorities released 14 Serbs and 1 ethnic Albanian from the Pozarevac prison. In exchange, inmates agreed to put down their weapons and to allow guards back in the prison.

On December 14, a military court in Nis sentenced nine Serbian military policemen and one lawyer to prison terms totaling 7 years for extorting money from Kosovar Albanian prisoners.

Although the Milosevic regime generally permitted some prison visits by human rights monitors with sporadic access often subject to the whim of local officials, access generally was poor. On several occasions, outside monitors, including representatives of the ICRC, were denied access to individuals reportedly held by Serbian police, especially draft evaders and Kosovar Albanians whom retreating security forces transferred from Kosovo after hostilities ceased. However, the ICRC had no access to or information about persons detained in military detention facilities at year's end.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention was common in Serbia under Milosevic, with such abuses aimed at opponents of the regime apparently on a daily basis.

Defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations. The ability of defense attorneys to challenge the legal basis of their clients' detention often was hampered further by difficulties in gaining access to detainees or acquiring copies of official indictments and decisions to remand defendants into custody. In some cases, judges prevented defense attorneys from reading the court file. Investigative judges in Serbia often delegated their responsibility for carrying out investigations to the police or members of the State Security Service and rarely questioned their accounts of the investigation—even when it was obvious that confessions were coerced from the accused. Results of such sham investigations then were used in court to convict defendants on fabricated charges.

According to the Humanitarian Law Center, at least 10 Kosovar Albanian minors were being held in the country's prisons in January. These children were among the approximately 2,000 civilians removed from Kosovo when the Yugoslav Army withdrew its forces in 1999. Serbian authorities reportedly sold dozens of these prisoners back to their families in Kosovo for prices as high as \$25,000 (DM 50,000). Numerous human rights groups have documented an open-air market in northern Kosovo where lawyers purporting to represent these prisoners go to strike deals with families or friends of those imprisoned to secure their release. Despite the exchange of large sums of money, the lawyers often are never seen again. Human Rights groups also noted that in those cases where prisoners are released, the extorted "fees" were divided between the lawyers, judges, and police involved in individual cases and prisons. Human rights organizations believe that the Government still holds approximately 700 Kosovar Albanian political prisoners and detainees. The Government claims that some of these prisoners and detainees were convicted of common crimes.

Visits to political detainees were rare and often were supervised by police. Local human rights NGO's attempted to visit prisoners, with mixed results. The ICRC was able to visit many, if not all, of the approximate 700 Kosovar Albanian political detainees inside Serbia. However, it is not clear that the ICRC has been able to arrange more than an occasional visit.

Opposition politicians faced harassment by police under the Milosevic regime. On February 29, Belgrade police detained and interrogated Ivan Kovacevic, the Serbian Renewal Movement spokesman and a member of the Serbian Parliament. In March a total of 42 members of Vojvodina's League of Social Democrats were arrested in Novi Sad. They were handing out flyers asking for citizens to assemble in front of a construction site, where the regime was blocking the city's efforts to begin rebuilding a bridge destroyed during the NATO bombing campaign.

In May three members of Otpor—Momcilo Veljkovic, Radojko Lukovic, and Dusan Ignjatovic—were arrested after friends of Marko Milosevic, the President's son, beat them severely outside a cafe in Pozarevac, Milosevic's hometown. The Otpor activists claim that they were beaten after they came to the defense of another activist, Dragan Milovanovic, who was being pressured by Marko Milosevic's associates to join the Socialist Party of Serbia.

The beating set off a wave of protests, and the opposition scheduled demonstrations in Pozarevac a week later, which it ultimately was forced to cancel due to intimidation by the Milosevic regime. As a part of its effort to intimidate and prevent the demonstrations, police arrested Nenad Canak, the President of the Vojvodina League of Social Democrats, as he drove to Pozarevac. Police also arrested and interrogated dozens of others, including journalists, opposition politicians, and Otpor activists across Serbia in Nis, Novi Sad, Kragujevac and Pozarevac.

Several days later, Veljkovic and Lukovic were released by the district prosecutor Bosko Papovic, who did not find grounds to prosecute. Papovic in turn was dismissed from his post by the Government, and the activists were rearrested and served a total of 2 months in prison. The judge appointed by the Milosevic regime claimed that releasing the students earlier would "upset the public."

In June police in Leskovac arrested 10 persons, including Igor Olujic, a leading human rights lawyer with the Belgrade-based Humanitarian Law Center, Dobrosav Nestic, president of the Leskovac NGO Council for Human Rights, and several opposition party activists. Those detained were protesting peacefully the arrest a few days earlier of Otpor activist Vladimir Stojkovic. During the arrest, police used excessive force against several persons, including Bojana Ristic, a representative from the Serbian Renewal Movement who also serves in the Parliament.

Also in June 20 members of Otpor were arrested in Smederevska Palanka. Police in Ivanjica detained an 11-year-old boy for waving an Otpor flag in public. Police also questioned the boy's father about his support for Otpor. In September police arrested Otpor activist Branko Ilic in Arilje for the 10th time during the year. By

the end of June, Otpor announced that since the winter, more than 1,000 of its activists had been arrested by the police.

Opposition candidates in the Sandzak region of Serbia reported that tactics of the Milosevic regime greatly interfered with campaigning. Police arrested Coalition Sandzak activists for handing out leaflets and banned opposition rallies from taking place.

As the regime intensified its crackdown, in July Yugoslav Army members arrested four Dutchmen, two British citizens, and two Canadians near Montenegro's borders with Serbia and Kosovo. All were charged with espionage. The British citizens charged that they were beaten by the police and nearly lynched by VJ soldiers. Officials of the arrestees' countries had difficulty obtaining consular access to them after their transfer to federal prison facilities in Belgrade. Following Milosevic's ouster, all were released, and the charges against all eventually were dropped (see Montenegro annex).

Federal statutes permit the police to detain criminal suspects without a warrant and hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provides for a 24-hour detention period. The police often combine the two for a total 4-day detention period. After this period, police must turn over a suspect to an investigative judge, who may order a 30-day extension and, under certain legal procedures, subsequent extensions of investigative detention of up to 6 months.

Exile is not permitted legally, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, Federal and Serbian courts largely were controlled by the Milosevic regime and rarely challenged the will of the state security apparatus. Judicial corruption also is widespread. While judges are elected for fixed terms, they may be subjected to governmental pressure. Serbian authorities frequently deny a fair public trial to non-Serbs and persons whom they believe oppose the regime.

Since 1998 republic-level judges no longer have mandates for life and are required to seek office periodically through election. This process involves obtaining Justice Ministry approval for each judge's candidacy. Local observers fear that the provision in effect makes judges functionaries of the Government, who easily may be removed if they do not cooperate.

The court system comprises local, district, and supreme courts at the republic level, as well as a Federal Court and Federal Constitutional Court to which republic Supreme Court decisions, depending on the subject, may be appealed. There is also a military court system. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the constituent republic authorities to enforce its rulings.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remains in force. Considerable confusion and room for abuse remain in the legal system because the 1990 Constitution of Serbia has not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. Under federal law, defendants have the right to be present at their trial and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. The presiding judge decides what is read into the record of the proceedings. Either the defendant or the prosecutor has the right to appeal the verdict.

Defense lawyers, especially those representing minority clients, have filed numerous complaints about flagrant breaches of standard procedures, arguing that they undermine their clients' rights. Even when individual judges admitted that the lawyers were correct, the courts ignored or dismissed the complaints. For example, in Pozarevac, district prosecutor Bosko Papovic conceded that two Otpor activists were innocent of charges that they had conspired to kill associates of Marko Milosevic. Nevertheless, the two youth activists were imprisoned for 2 months, in May and June. Papovic, along with 15 other judges who defended his decision, subsequently was fired (see Section 1.d.).

Many legal scholars have expressed concern over the 1998 Act on Lawyers, which they believe restricts the freedom of lawyers and interferes with the independence of lawyers in their dealings with clients. They believe that the law gives too much authority to the lawyers' chambers, both at the republic and federal levels, which the Helsinki Committee alleges would enable the Government to exercise stricter control over the profession. According to a Serbian Constitutional Court judge, the law enabled the regime to interfere with the lawyer-client relationship, which even during the Communist era was upheld to a greater degree.

In June the Government debated the passage of a law against terrorism in the Serbian Parliament. With its sweeping powers, the law would have allowed police essentially to arrest anyone, including NGO and media representatives, whom they deemed to be working for the removal of the Government. The law allowed for a

minimum sentence of 3 years' imprisonment in such cases. Finally, the law extended the period of detention during which police could conduct their investigation from 3 to 30 days. Although the bill was not signed into law, the threat of its passage hampered many opposition activities against the Milosevic regime.

Under Milosevic, the Government also violated norms of judicial fairness by pursuing cases previously brought against individuals and groups charged under the Yugoslav Criminal Code with jeopardizing the territorial integrity of the country and for conspiring or forming a group with intent to commit subversive activities (undermining the "constitutional order"). Most of the cases involved alleged violations under Article 136 of the Federal Penal Code related to "association to conduct enemy activity," or Article 125 concerning "terrorism." There is no clear estimate as to how many persons remain imprisoned on these specific charges.

Among the most prominent is the case of Dr. Flora Brovina who was transferred from Kosovo to a prison in Nis in July 1999. Dr. Brovina, who is known for her human rights work on behalf of women and children in Kosovo, was tried and convicted on terrorism charges and in December 1999 sentenced to 12 years' incarceration. Dr. Brovina was freed on November 1 by a special pardon from President Kostunica.

The Serbian court system convicted 143 ethnic Albanians in a mass trial in Nis in May. The men, who received sentences ranging from 7 to 13 years' imprisonment, were convicted of being members of the KLA, terrorism, and attacking police. The trial was criticized widely by human rights groups because little effort was made to establish individual, as opposed to collective, guilt. In addition, defense witnesses were not allowed to testify, and the judge reportedly admitted that there could have been "shortcomings" in the prosecution's evidence.

On July 6, six ethnic Albanians in Serbia accused of terrorism and supporting the KLA were sentenced to a total term of 46 years in prison. Human rights NGO's noted that the trial was unfair and that allegations of torture were widespread. The court failed to investigate the allegations of torture and accepted a filmed confession made while the men were in police custody, which already had been aired on Serbian State television. AI noted that this was in clear violation of the Yugoslav Code of Criminal Procedure.

A spokesperson for the Serbian Judges Association stated that as of July, 50 of its members had been forced to resign due to pressure from the regime. This followed the dismissal by the Government of 16 judges for their alleged work with the political opposition, including Djordje Rankovic and district prosecutor Bosko Papovic, who spoke out against the case of the two Otpor activists who were beaten by associates of Marko Milosevic in Pozarevac (see Section 1.d.).

Ukshin Hoti, leader of UNIKOMB, a political party that advocates Kosovo's unification with Albania, was in detention for the entire year. Hoti was in a Nis jail and was reportedly in poor health. His lawyers have been denied access to him since February 1998. Hoti was serving a 4-year sentence in a prison in Nis and was to be released on May 17, 1999. However, the Pristina-based Council for Human Rights was unable to locate Hoti as of July 1999 and there was no further information at year's end.

In December, President Kostunica pardoned opposition activist Bogoljub Arsenijevic, known as "Maki."

The Government continued to hold an estimated 700 ethnic Albanians as political prisoners. Visits to political prisoners are rare and are often supervised by police. Local human rights NGO's have attempted to visit prisoners, with mixed results. The ICRC has been able to visit many, if not all, of the Kosovar Albanian political prisoners inside Serbia.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Under the Milosevic Government, the authorities infringed on citizens' privacy rights. Federal law gives republic ministries of the interior sole control over the decision to monitor potential criminal activities, a power that is abused routinely. It is widely believed that the authorities monitor opposition and dissident activities, eavesdrop on conversations, read mail and e-mail, and wiretap telephones. Although illegal under provisions of federal and Serbian law, the federal post office registers all mail from abroad, ostensibly to protect mail carriers from charges of theft.

The law includes restrictions on searches; however, officials often ignored them. Police raided the Belgrade and Mladenovac offices of Otpor in early September without a search warrant. The previous day, police raided Otpor's Novi Sad office. They confiscated computers, several thousand T-shirts, posters, buttons, and information about the movement's activists. Despite the law, the police did not leave any notification of the items they removed from Otpor's premises. The Serbian Helsinki Committee stated that the raids violated Article 21 of the Serbian Constitution, according to which police may enter a premise with a warrant or, if no warrant is ob-

tained, in order to “save people and property.” Before the September 24 elections, as part of its crackdown on independent political activists, police also repeatedly raided the offices of CESID, a Serbian election monitoring NGO, confiscating files and computers.

A government law requiring universal military service is enforced only sporadically; it was not enforced vigorously during the year. The informal practice of the military has been not to call up ethnic Albanians. However, in Montenegro VJ troops forcibly conscripted youths during the year. Of approximately 100,000 draft evaders living abroad at the start of the year to avoid punishment, 40 percent were estimated to be ethnic Albanian. This number in part reflects the large number of conscription-age men in Yugoslavia’s Albanian community. Leaders of Kosovo’s Albanian and Sandzak’s Muslim communities maintained that when forced compliance of these groups with universal military service did occur, it was an attempt to induce young men to flee the country. According to an amnesty bill passed in 1996, up to 12,000 young men for whom criminal prosecution for draft evasion already had started were granted amnesty. Others who did not fall into this category were told that if they returned to Yugoslavia their cases would be reviewed on a “case-by-case” basis, a policy that has not inspired confidence among offenders. A law passed in October 1998 stated that draft dodgers who did not report for military service would forfeit their right to inheritance. In many cases Yugoslav officials have refused to issue proper travel documents to children born to asylum seekers (see Section 2.d.). A new amnesty bill was pending at year’s end. The proposed law would grant amnesty to draft evaders, deserters, those who refused to bear arms, and to most political prisoners convicted under Article 136 of the Penal Code (association to conduct enemy activity), but not to political prisoners convicted under Article 125 (terrorism). Many ethnic Albanian political prisoners were reportedly convicted under Article 125, but the exact number is unknown.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—Federal law provides for freedom of speech and of the press; however, the Milosevic regime severely restricted these rights in practice. The October 1998 Law on Public Information, which was used to silence the independent media during the Kosovo war, continued to be applied to journalists and members of the political opposition. The regime arrested dozens of journalists and levied the equivalent of hundreds of thousands of dollars in fines in apparent efforts to silence the independent media. The regime took over independent television and radio stations and shut down others. State-controlled media coverage was biased severely in favor of Milosevic’s coalition parties, the SPS and JUL, particularly in early September. State media carried minimal coverage of opposition parties, and what was covered was cast in a negative light. The regime also severely restricted international media coverage of the September elections by denying entry visas to many foreign journalists and by placing travel restrictions within Serbia on others. In addition, during the preelection period the regime forced international news organizations to broadcast through state-controlled facilities where reports could be censored or blocked.

The Milosevic regime also cracked down on opposition politicians and politically active NGO’s, particularly in the months preceding the September elections. Police arrested almost a dozen DOS candidates and raided several DOS offices. In the Sandzak region, police arrested opposition activists for handing out leaflets (see Section 1.d.). Many observers suggested that the disappearance of former Serbian President Ivan Stambolic in late August was meant to be a threatening message to SPS politicians not to stray from Milosevic’s party (see Section 1.b.). Police also brought over a thousand members of the Otpor movement into police stations for questioning. Some of these interrogations resulted in beatings (see Section 1.c.).

While the media climate greatly improved after Kostunica’s election victory, media independence remained a problem. Observers noted that after the DOS took control of state-owned Radio-Television Serbia, coverage leading up to the December 23 parliamentary elections strongly favored DOS candidates. Other media outlets also lack professionalism.

In March an indictment was filed against Dusan Mihajlovic, an opposition party leader; however, the case was not pursued. Mihajlovic was charged with “spreading false information and disturbance of citizens” because of remarks he made on a television news program criticizing a Milosevic speech.

In May independent journalist Miroslav Filipovic, who also worked closely with the Helsinki Committee for Human Rights in Serbia and as a correspondent for the Belgrade-based daily *Danas*, was arrested on charges of “espionage” and “spreading false information” following a series of articles investigating Yugoslav Army abuses in Kosovo. Formal charges were not brought against Filipovic until June. A closed

trial held in July was protested by human rights NGO's, as was the 7-year sentence that Filipovic received. Both the prosecution and the defense appealed the sentence. The Filipovic case attracted significant attention from many international press and human rights groups. In addition over 300 journalists from Serbia, Montenegro, and Bosnia signed a letter to Milosevic protesting the harsh sentence against Filipovic and demanding his release. On October 10, the Supreme Military Court in Belgrade overturned the guilty verdict against Filipovic on procedural grounds and sent the case back to court for a new trial. Kostunica pardoned Filipovic in October, and the charges against Filipovic were dropped.

The Government fined the newspaper Glas Javnosti \$5,000 (300,000 dinars) under the Public Information Act, and Slavoljub Kacarevic, director and editor-in-chief of the newspaper, was fined \$2,000 (120,000 dinars) for an article published on June 14. Also in June, in Leskovac a car belonging to two independent journalists was vandalized outside the police station while the two were covering protests.

In July independent publishers were forced to reduce the number of pages in their newspapers because the amount of paper supplied by the only domestic newsprint manufacturer was insufficient. The Federal Government turned down a request to import additional paper supplies even as leading Belgrade dailies Blic, Danas, and Glas Javnosti, and weeklies Vreme and NIN, used their last reserves of paper.

According to the Association of Independent Electronic Media (ANEM) network, more than 140 radio and television stations were banned inside Serbia under Milosevic, and, as of April, more than \$625,000 (37.5 million dinars) in fines were imposed on independent media under the Public Information Act. Despite this repression, ANEM reported that dozens of independent radio and television stations still were broadcasting.

In mid-January, broadcasting equipment was stolen from the Belgrade television station Studio B. As a result, over 2 million viewers were unable to receive the station's signal. Although no one was ever charged with the crime, ANEM believed that the theft was in direct response to Studio B's broadcast of opposition-related programming.

In a controversial news conference in February, former Serbian Deputy Prime Minister Vojislav Seselj threatened violence against independent journalists.

In March the police attacked a technician and security guard at Studio B and confiscated transmission equipment from the premises. In addition eight print and electronic media outlets were fined for alleged violations of the Law on Public Information. Six additional independent radio and television stations were closed in March.

Foreign journalists were expelled from Serbia and denied entry visas periodically throughout the year, especially during the period prior to the September elections.

Following the beating of the three Otpor activists in Pozarevac in May, there was a wave of arrests as independent journalists publicized the assault. Studio B and the independent dailies Blic and Danas were fined for "false reporting" after they informed the public of the attack.

On May 17, police moved against four of the largest independent media outlets—Studio B, B2-92, Radio Index, and Blic—and closed down the building from which they all operated. Radio Pancevo remained the only source of independent information in the Belgrade area until later that same night when its transmission also was blocked. On May 17 and 18 in Belgrade, police beat peaceful protesters and used excessive force to disperse street protests against the Government's closing of television Studio B and Radio B2-92 (see Sections 1.c. and 2.b.).

In June security guards beat Hanibal Kovac, a correspondent for Radio Free Europe, in Sabac in a recreation center controlled by a member of the Serbian Radical Party. The guards reportedly told Kovac that he was "first on the list and that other reporters would get the same." Police also beat up a reporter in Novi Sad for wearing an Otpor T-shirt.

On June 2, Dusika Radulovic, owner of a small independent newspaper Borske Novine was sentenced to 3 months in prison for publishing an article that allegedly libelled members of the local government. On June 9, satirist Boban Miletic was sentenced to 5 months in prison for ridiculing Milosevic during a public reading of his latest book.

Also in June, a television crew from Radio Kraljevo was arrested along with Democratic Party officials and four Otpor activists in Kraljevo.

In August journalist Zoran Lukovic was arrested and sent to prison to serve a 5-month sentence for "spreading false information." Lukovic was convicted in March 1999 with another journalist, Srdjan Jankovic, and with Slavko Curuvija, editor of the Belgrade daily tabloid Dnevni Telegraph. Curuvija was murdered in Belgrade in April 1999, allegedly by members of Milosevic's secret service (see Section 1.a.). Lukovic was pardoned and released at the end of the year.

In August the NGO Reporters without Borders protested the Government's jamming of radio broadcasts by opposition station Radio Jasenica and the private station Radio Globus. A press release issued by the organization pointed to "a policy of increasing repression against independent media" prior to the September election. The Organization for Security and Cooperation in Europe (OSCE) also highlighted media repression in the period prior to the elections.

In August five cable networks in Novi Sad stopped broadcasting news from television stations in Montenegro, Croatia, Bosnia, and Hungary following a Yugoslav Information Ministry ban on broadcasting "political propaganda programs." Critics charged that the ban was an attempt to prevent 200,000 viewers in the region from having access to independent media during the September election campaign.

The Independent Journalists' Association of Serbia (NUNS) noted in August that "repression of the authorities against the media in Serbia increased in the past few months." In addition the NUNS noted in its Dossier of Repression that the Information Act "in the past few months has become an auxiliary means of carrying out repression." The NUNS confirmed ANEM's report that the independent media were charged the equivalent of hundreds of thousands of dollars in fines by the regime.

On November 27, two policemen beat Hungarian journalist Peter Aradi and threatened to kill him. Otpor reported that Aradi was taken to the police station in Senta, a town near the Hungarian border, where he was interrogated, beaten, and threatened before being released the following day (see Section 5). Also in November, three plainclothes police officers from the Serbian Interior Ministry detained Milos Antic, assistant editor of the *Nedeljni Telegraf*, and interrogated him for 2 hours at the police station in Belgrade. They pressured him to reveal his sources for an article he had written about Milosevic's alleged attempts to crack down on prodemocracy protesters during the October 5 demonstrations; the officers said they were acting under orders of a prosecutor preparing a case against Milosevic.

In 1998 the Parliament passed the Universities Law. It severely curtails academic freedom by allowing the Government to appoint rectors and governing boards and hire and fire deans of faculties. Deans in turn can hire and fire professors—in effect taking away tenure and promoting regime loyalists inside the universities. The law also discourages political activism among students. After October 5, the new Government reinstated all previously dismissed professors.

b. Freedom of Peaceful Assembly and Association.—Federal and republic level Constitutions provide for freedom of peaceful assembly; however, under Milosevic, the Serbian and Federal Governments severely restricted this right.

In Kragujevac in February, Otpor was prevented from collecting contributions to assist the independent newspaper *Nezavisna Svetlost* in paying a fine levied against it under the Public Information Law.

On April 14, police stopped buses with opposition supporters traveling to rallies in Belgrade. On May 9, police stopped an opposition rally in Pozarevac by blocking opposition supporters' access to the town. On May 17 and 18, police used excessive force to disperse opposition street protests in Belgrade (see Section 1.c.). Police banned opposition rallies in the Sandzak region (see Section 1.d.).

During the election demonstrations in October, police beat some demonstrators and used tear gas.

Federal and republic level Constitutions provide for freedom of peaceful association; however, under Milosevic the Serbian and Federal Governments severely restricted this right. By the end of the summer virtually anyone wearing an Otpor T-shirt was subject to arrest or harassment by the police.

c. Freedom of Religion.—The laws at both the federal and Serbian republic level provide for freedom of religion; however, under Milosevic, there were incidents of government infringement on freedom of worship by minority groups, and the legal system provided little protection for the religious rights of minority groups.

Although in the past the Milosevic regime was allied closely with and gave preferential treatment to the Serbian Orthodox Church, a split between the two widened considerably during the year. The split began with the onset of violence in Kosovo and widened with the regime's continued repression of the political opposition.

The Government repressed Muslims in the Sandzak region along the border between Serbia and Montenegro. Reports of harassment in the Sandzak region indicated that it was carried out mostly by federal Yugoslav army troops.

The Government made no progress in the restitution of property that belonged to the Jewish community, despite Milosevic's past promises to resolve the disputes. The Orthodox and Catholic Churches have had similar difficulties with the restitution of their property confiscated by the Communist regime.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement; however, under Milosevic, the Federal and Serbian governments restricted this right in practice. The federal government makes passports available to citizens; however, the authorities under the Milosevic Government restricted Yugoslav citizens from reentering the country. The Milosevic regime continued to restrict the right of Sandzak Muslims and ethnic Albanians from southern Serbia to travel by holding up the issuance or renewal of passports for unusually long periods of time. It also reserved the option of prosecuting individuals charged previously with violating exit visa requirements. Throughout Milosevic's rule, opposition politicians and activists routinely were harassed and arrested as they traveled in Serbia. The Government placed travel restrictions on journalists. Freedom of movement was also restricted in travel between Serbia and Montenegro because of the trade blockade imposed by Serbian authorities.

As Federal authorities had yet to repeal legislation targeting conscientious objectors and draft evaders from the war in Kosovo, many men could not travel freely throughout the country due to fear of arrest. Those conscientious objectors and draft evaders who fled Serbia could not return to the country for the same reason. Passports were denied as a matter of course to conscientious objectors and draft evaders. NGO representatives from 19 Serbian towns gathered in Montenegro in May and called for a general amnesty for conscientious objectors and draft evaders. AI and other NGO's noted that indictments continued to arrive at the homes of draft evaders and conscientious objectors. In several cases, trials against the men were conducted in absentia. After October 5, freedom of movement improved significantly. However, isolated incidents were reported late in the year of draft evaders from Montenegro stopped in Belgrade airport and sent back to Montenegro to face old charges in military courts. Draft evaders would be amnestied by a law being considered by the Federal Parliament at year's end.

Following their exodus from Kosovo, there were reports that Serb refugees were prevented from traveling to Belgrade in 1999. Reports continue to indicate that their freedom of movement is restricted, with many of them being confined to Southern Serbia.

Citizens reported difficulties at borders and the occasional confiscation of passports. Sandzak Muslims and ethnic Albanians complained of harassment at borders when reentering the country.

Yugoslav embassies overseas generally are considered to apply a double standard when issuing passports to their citizens; ethnic Serbs have a much easier time obtaining passports than members of ethnic minorities.

Many inhabitants of Serbia-Montenegro who were born in other parts of the former Yugoslavia, as well as large numbers of refugees, have not been able to establish their citizenship in Yugoslavia, leaving them in a stateless limbo. The Government suspended the processing of citizenship applications during the NATO bombing. Government officials claimed that the country's citizenship application records were destroyed in the bombing, and did not resume processing applications.

The conflicts that have occurred in Bosnia, Croatia, and Kosovo in recent years have led to widespread displacement of persons. Under Milosevic, the Government imposed numerous restrictions on free movement into and within Yugoslavia.

Approximately half a million refugees from Bosnia and Croatia and some 220,000 more recent internally displaced persons from Kosovo, mainly Serbs and Roma, are living in the country. Unemployment among these groups is estimated at over 60 percent due to the country's poor economic climate. Up to 25 percent of the refugee population has moved more than three times since arrival in Serbia. Most Serb displaced persons from Kosovo are housed with host families; some 50,000 are in collective centers. A report by the U.S. Committee for Refugees describes collective centers for refugees as varying widely in quality and population density, ranging from "decent" to "dismal, drafty, and crowded."

There are approximately 45,000 displaced Roma in Yugoslavia. Roma faced a difficult position during the Kosovo conflict. As neither Serb nor Albanian, the Roma in Kosovo tended to adapt to the ethnic group they perceived as dominant. As a result, many of Kosovo's Roma were perceived as Serb collaborators by returning ethnic Albanians, and many fled Kosovo for other areas of Yugoslavia (see Kosovo annex). Living conditions for Roma in Serbia are extremely poor. Local municipalities are often reluctant to accept Roma, hoping that if they refuse to provide shelter or assistance, the Roma may move on (see Section 5).

The Yugoslav Government has been very slow to issue passports to refugees. This is a particular problem for parents who seek asylum. For example, Yugoslav officials in Germany refuse to issue passports to children born in Germany who have a German government document certifying their birth. When these asylum seekers who

have been refused in Germany return to Yugoslavia with their children, the children travel on the basis of this document. Yugoslav authorities take the paper at the port of entry and issue a receipt for it. The children then have no documentation in a country where documentation is a basic requirement.

The U.N. Special Rapporteur for the former Yugoslavia noted in 1997 that the 1997 citizenship law would give the Ministry of Interior almost complete control over the granting of citizenship. The Government served notice that it plans to limit severely the granting of citizenship to refugees from the conflicts in Bosnia and Croatia. The Government also plans to revise the eligibility status of a large number of persons; refugees who have been granted citizenship since 1992 may stand to lose their Yugoslav citizenship if they have acquired the citizenship of a former Yugoslav republic.

Observers in the Sandzak region also noted that Muslim residents who were forced to flee to Bosnia from Sandzak in 1992 and 1993 may not be permitted to return to Serbia, particularly if they obtained Bosnian passports in the interim.

The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR). There were no reports of the forced return of persons to a country where they feared persecution during the year.

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

The Federal and Serbian Constitutions provide for this right; however, in practice, under Milosevic, citizens in Serbia consistently were discouraged and often were prevented from exercising this right by the regime's domination of the mass media, control of the police, and manipulation of the electoral process. The regime persistently sought to undermine the effectiveness of the opposition leadership throughout Serbia through financial controls. In July Milosevic altered the Constitution to permit his candidacy in the September federal elections.

Throughout the summer, the Milosevic regime continuously exerted undue pressure on persons and groups attempting to peacefully change their government (see Sections 1.c., 1.d., 2.a., and 2.b.). In one such instance, police in August halted the distribution of humanitarian assistance by the Leskovac Human Rights Board, an organization that encouraged citizens to participate in September's elections.

Kostunica came to power as President of Yugoslavia after mass demonstrations in early October by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and Constitutional Court to force a second round of elections. Kostunica ran against Milosevic in the September 24 elections under the DOS Party, an 18-party alliance. Milosevic banned international observers from monitoring the elections; the opposition reported election fraud in some areas, particularly in southern Serbia and the voting in Kosovo. In Kosovo many polling stations were not opened on the September 24 election day. Although the DOS claimed victory for Kostunica, the Yugoslav Federal Election Commission claimed that neither candidate had won an outright majority and called for a second ballot. This sparked citizen protests in Belgrade and a general strike in favor of the opposition beginning on October 2, which culminated in a mass demonstration on October 5 by half a million citizens calling for Milosevic to give up power. Kostunica declared himself President of Yugoslavia that night and 2 days later Milosevic conceded electoral defeat. A federal government was formed by the DOS and the SNP (Socialist People's Party). At the Serb republic level, a three-way interim power sharing government was formed by the DOS, the SPS (Socialist Party of Serbia), and the Serbian Renewal Movement until the December 24 republic elections. Milan Milutinovic remained President of the Republic of Serbia.

There are no legal restrictions that hinder women's participation in government and politics, and women are active in political organizations; however, they are underrepresented greatly in party and government offices, holding less than 10 percent of ministerial-level positions in the Serbian and Federal Governments. Until Milosevic's defeat, his wife Mira Markovic was an exception. She was the leading force in the neo-Communist Yugoslav Left Party, through which she exerted extraordinary and disproportionate influence on policy makers, including her husband. On November 27, female political activists announced that 10 DOS parties agreed to fill at least 30 percent of the places on the party list for the Serbian parliamentary elections with female candidates.

There are no legal restrictions on the role of minorities in government and politics; however, they are underrepresented and ethnic Serbs and, to a certain extent, Montenegrins dominate the country's political leadership. Montenegro boycotted the September 23 elections. Few members of other ethnic groups play any role at the top levels of government or the state-run economy; however, Rasim Ljajic, a Sandzak Muslim leader, was appointed the Federal Minister for Minority Affairs in

November. Ethnic Albanians in Kosovo refused to take part in the electoral process at the Serbian republic and federal level, including most recently in federal presidential elections in September. Serbs in Kosovo participated in the September elections, but with low voter turnout.

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

The Milosevic regime routinely hindered the activities of and regularly rejected the findings of human rights groups.

A number of independent human rights organizations operate in the country, researching and gathering information on abuses, and publicizing such cases. The Belgrade-based Humanitarian Law Center and the Center for Antiwar Action research human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. The Belgrade-based Helsinki Committee for Human Rights in Serbia publishes studies on human rights issues and cooperates with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. In the Sandzak region, two committees monitor abuses against the local Muslim population and produce comprehensive reports. Most of these organizations offer advice and help to victims of abuse.

Throughout the summer, Serbian police cracked down on Belgrade's human rights NGO's, including the Helsinki Committee, the Center for Anti-War Action, and Women in Black Against War. Each organization reports that it was visited and harassed by police in an effort to intimidate the NGO's and document their sources of international support. In June police closed the offices of Women in Black Against War. In a related move, the premises of the Forum for Ethnic Relations also were shut and sealed.

In August the Yugoslav Army announced that it would bring charges against Natasa Kandic, the head of the Humanitarian Law Center. The Yugoslav Army's Information Service alleged that Kandic breached the Law on Information when she published the article "I Will Not Keep Quiet About Horrors" in the independent newspaper Danas. Kandic published a defiant response to the army. The VJ did not initiate charges against Kandic, and threats and harassment against her stopped after October 5.

Citing "political activities," police in Leskovac removed the Human Rights Protection Committee from the register of social organizations and citizens' associations in the southern Serbian town in August. At the same time, criminal charges were filed against the director of the organization for the improper receipt of money.

With some exceptions, the Milosevic Government's Federal Ministry of Foreign Affairs systematically denied visas to international nongovernmental human rights organizations.

In 1999 as a result of their actions in Kosovo, the ICTY formally indicted as war criminals former President Milosevic and four other senior officials, including Serbian President Milan Milutinovic, Yugoslav Deputy Prime Minister Nikola Sainovic, Chief of Staff of the Yugoslav Army Dragoljub Ojdanic, and Serbian Minister of Internal Affairs Vljako Stojiljkovic. President Kostunica has made public statements that he opposes the extradition of any indictees to the ICTY.

On December 11, a court in Uzice convicted and sentenced nine men for "kidnaping" indicted Bosnian Serb war criminal Stevan Todorovic and handing him over to NATO forces in Bosnia in September 1998. On December 13 in the Hague, Todorovic pled guilty to ethnic cleansing.

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

While federal and republic-level laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women, in practice the legal system provides little protection to such groups.

Women.—Violence against women is a problem and the traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities. There is no trained police unit to provide protection or assistance to female victims of sexual or other violence. The Center for Autonomous Women's Rights in Belgrade offers a rape and spousal abuse hot line, as well as sponsors a number of self-help groups. The Center also offered help to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia. The Criminal Code does not recognize spousal

rape as a criminal offense; rape is defined as forced sexual intercourse between a man and a woman who are not married.

The country served as a source, transit, and destination point for trafficking in women for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

Women do not enjoy status equal to men, and relatively few women obtain upper level management positions in commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. Women legally are entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage is 11 percent lower than the average wage of men. Women are granted maternity leave for 1 year, with an additional 6 months available. Women are active in political and human rights organizations. Women's rights groups continue to operate with little or no official acknowledgement.

Children.—The State attempts to meet the health and educational needs of children. The educational system provides 8 years of mandatory schooling. However, economic distress has affected children adversely in both the education and health care systems.

Prior to the conflict in Kosovo, the division of Kosovo into unofficial parallel Serb and Albanian administrative systems resulted in Serb and ethnic Albanian elementary age children being taught in separate areas of divided schools, or attending classes in private shifts. Older ethnic Albanian children were attending school in private homes. The quality of education thus was uneven before the conflict started, and the tension and division of society in general was replicated to the detriment of the children (see Kosovo annex).

There is no societal pattern of abuse of children.

The country served as a source, transit, and destination point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

People with Disabilities.—Facilities for persons with disabilities are inadequate and the Government did not make any efforts during the year to address the problem. The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities.—Religion and ethnicity are so closely intertwined as to be inseparable. Incidents of discrimination against, and harassment of, religious minorities continued, especially in Serbian Sandzak.

The Keston Institute reported that on September 26, a group of 13 young men attacked 2 Romani women and one Romani man, all members of a Romani Pentecostal church in Leskovac, with sticks, bats, and chains. The attack took place 2 days after three young men interrupted the church's evening services and threatened the congregation, throwing firecrackers and shouting that they would force the Roma to leave town. The church reported the incidents to the local police, who advised them to file charges against the men. As of November 24, the attackers had not been found, but no further incidents had occurred.

Societal violence against the Catholic minority in Vojvodina, largely consisting of ethnic Hungarians and Croats, was reported. In addition, Catholic churches frequented by the Croat minority were attacked, although there were few reports of this type of activity during the year.

National/Racial/Ethnic Minorities.—Ethnic Albanian leaders in the cities of Presevo, Bujanovac, and Medvedja in southeastern Serbia complained of discrimination by Serbian authorities. Very few ethnic Albanians are employed by municipal governments in the region. In part, the problem is due to the refusal of Serbian authorities to recognize the credentials of ethnic Albanians who completed their higher education in Kosovo under the post-1989 parallel system.

There were incidents of official discrimination against the Romani population and skinheads and police occasionally violently attacked Roma (see Section 1.c.). The European Roma Rights Center reported that a group of skinheads attacked two 15-year-old Romani boys in Vranje on April 29. The boys were punched and beaten with baseball bats; one boy reported two broken ribs. In Nis a group of skinheads beat a 15-year-old Rom. Two of the attackers eventually were fined \$10 (600 dinars). In May a 13-year-old Romani girl was attacked by a group of her fellow students and several skinheads with a knife. After the incident, police interrogated the girl and threatened to arrest her parents if she did not admit she was lying. In August several Romani families in Belgrade reported that skinheads repeatedly throw rocks at their houses, often breaking windows, shout racist insults, and threaten to set Romani houses on fire.

Roma have the right to vote, and there are two small Romani parties in Serbia. One of the four deputy mayors in Kragujevac is a Rom. However, prejudice against Roma is widespread. For example, in Sabac, in western Serbia, Roma are barred from using a municipal swimming pool that is owned by the president of the local branch of the Serbian Radical Party. According to Human Rights Watch, on June 7, police leveled Roma homes in Belgrade, alleging that they were built in breach of zoning laws; police made racial insults and slapped and kicked some of the Roma who were forced out of their homes. Local authorities often ignore or condone societal intimidation of the Romani community.

In Vojvodina in November police beat and threatened Hungarian journalist Peter Aradi. Otpor reported that police dragged Aradi from a table in a pizzeria where he was dining, threw him to the floor, and placed a gun barrel in his mouth. He then was taken to the police station and beaten. Before Aradi was released, the police reportedly forced him to kneel, hold a Bible, and “say something in Serbian.”

Section 6. Worker Rights

a. The Right of Association.—All workers except military and police personnel have the legal right to join or form unions. Unions are either official (government affiliated) or independent. The total labor force is approximately 2.3 million persons. The government-controlled Alliance of Independent Labor Unions (Samostalni Sindikati, or SSS) claims 1.8 million members but probably numbers closer to 1 million in reality. The largest independent union is the United Branch Independent Labor Unions (Nezavisnost), which has about 170,000 members. The third largest union is the Association of Free and Independent Trade Unions (AFITU), which has about 50,000 members. Most other independent unions are sector specific, for example, the Independent Union of Bank Employees (12,000 members). Due to the poor state of the economy, over one-half of union workers are on long-term mandatory leave from their firms pending increases in production. The independent unions, while active in recruiting new members, have not yet reached the size needed to mount countrywide strikes. The independent unions also claim that the Milosevic regime prevented effective recruiting through a number of tactics, which included preventing the busing of workers to strikes, threatening the job security of members, and failing to grant visas to foreign visitors who support independent unions.

The largely splintered approach of the independent unions has resulted in few achievements in terms of increased wages or improved working conditions. The Nezavisnost union gained new members as a result of its well-organized and tough bargaining positions during strikes of teachers and health workers in 1998 but has not led any strikes since then; it has focused instead on political action campaigns aimed at raising workers’ political awareness. The official union lost credibility with some of its members because it ultimately accommodated the Milosevic regime’s position on these strikes.

The International Confederation of Free Trade Unions’ 2000 Annual Survey of Violations of Trade Union Rights alleges that Serbia’s labor laws still favor the official trade union and heavily restrict the right to strike. The report also alleges that the independent union Nezavisnost continued to face discrimination.

The ability of unions to affiliate internationally remains constrained.

b. The Right to Organize and Bargain Collectively.—While this right is provided for under law, collective bargaining remains at a rudimentary level of development. Individual unions continue to be very narrow in their aims, unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal workers’ benefits, etc.) on which to negotiate. The overall result is a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers. Additionally, job security fears, which stem from the high rate of unemployment, limited workers’ militancy.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the country served as a source, transit, and destination point for trafficking in women and girls for the purpose of forced prostitution (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial “retail” jobs, typically

washing car windows or selling small items such as cigarettes, although this practice apparently is somewhat less widespread, since adults lacking other options for employment have taken many of these jobs. With an actual unemployment rate (registered unemployed plus redundant workers who show up at the workplace but perform only minimal work) in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur, apart from girls who are trafficked for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—Large government enterprises, including all the major banks, industrial, and trading companies generally observe minimum wage standards. The monthly minimum wage is approximately \$15 (900 dinars). However, this figure is roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage is at the low end of the range of average net salaries, \$50 (3,000 dinars) per month. The minimum wage is insufficient to provide a decent standard of living for a worker and family. The cost of food and utilities alone for a family of four is estimated to be \$120 (7,200 dinars) per month. According to one report, workers' salaries fell 34 percent during the year. Private enterprises use the minimum wage as a guide but tend to pay somewhat higher average wages.

Reports of sweatshops operating in the country are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In light of the competition for employment and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, and trafficking is a problem. There are laws that could be used to prosecute traffickers although the Milosevic regime showed little interest in addressing the problem. There continues to be little information available on trafficking, although Serbia is a source, transit, and destination country for women and girls trafficked to other parts of Europe for forced prostitution. There were no reports of individuals prosecuted for trafficking.

Belgrade is a transit point, and to a lesser extent, a destination point, for trafficking in women and girls. Reportedly women from Russia, Ukraine, Moldova, Bulgaria, and Romania are trafficked to and through the country. There were also reports that women were trafficked through the country to Bosnia-Herzegovina, where they either stayed and were forced to work as prostitutes or were trafficked to other countries. Women are trafficked to Italy, Greece, Germany, the Netherlands, France, and other Western European countries. Women trafficked to Italy often are sent through Montenegro (see Montenegro annex).

Women often are recruited to work abroad through advertisements for escort services, waitresses, and personal advertisements for marriage offers or lonely hearts columns, and then forced into prostitution. Federal legislation allows escort agencies to be registered and advertise; many of these agencies are involved in trafficking.

There are no statistics available for children trafficked to other countries; however, the International Helsinki Federation for Human Rights reports that children, mostly Roma, are kidnaped and used for prostitution, begging, and stealing.

There are no Government trafficking prevention programs or services for victims. A very small number of NGO's deal with trafficking issues. Awareness of human trafficking is low; however, the problem received some media attention.

KOSOVO

Kosovo continued to be administered under the civil authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council Resolution 1244. This resolution recognized the continuing sovereignty of the Federal Republic of Yugoslavia (Yugoslavia) over Kosovo but also called for "substantial autonomy and meaningful self-administration." UNMIK began to establish a civil administration in June 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav military, police, and paramilitary forces from the province. The chief administrator of UNMIK during the year was the Special Representative of the Secretary General (SRSG), Dr. Bernard Kouchner. Within UNMIK the Organization for Security and Cooperation in Europe (OSCE) was made responsible for institution building, democratization, and human rights. To provide for greater Kosovar inclusion in civil administration and to cir-

cumvent the risk of quasigovernmental or "shadow" governmental entities, in February UNMIK established the Joint Interim Administrative Structure (JIAS). Under the direction of the SRSG and his designated representatives, international and local experts shared policy and advisory responsibility for providing social services and collecting revenues. On October 28, UNMIK conducted elections throughout Kosovo for members of municipal assemblies with wide participation by both political parties and voters other than Serbs. Serbs, citing security concerns and a lack of freedom of movement, declined to register and boycotted the elections. Although there were some logistical problems and voting irregularities, the elections were held without significant violence or obstacles. Election observers concluded that they were carried out in accordance with international democratic standards and met the criteria for credible elections. The elected municipal assemblies were sworn in and took their seats in November; the SRSG appointed members of municipal assemblies in three Serb-majority municipalities where there was no election, and these took their seats in December. UNMIK Regulation 1999/24 established that applicable law in Kosovo would include UNMIK regulations and those laws in effect in Kosovo as of March 22, 1989, the code in effect before the regime of Slobodan Milosevic abolished the political autonomy of Kosovo. This created a complex and in some cases incomplete set of codes. UNMIK issued a series of interim regulations to address the civil and legal responsibilities of governmental entities and private individuals. UNMIK regulations bound all public officials, including judges, to respect international human rights law. The law provides for an independent judiciary; however, the legacy of ethnic conflict and Yugoslav oppression was an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases involving ethnic disputes.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo (Kosovo Force, or KFOR), which included forces from all 19 NATO countries and over 20 non-NATO members, maintained internal security and defense against external threats. KFOR also assisted UNMIK's multinational civilian police corps (U.N. International Police, or CIVPOL) in its role as uniformed and criminal police. Of 4,718 regular, border, and special police positions authorized for Kosovo, contributing countries deployed about 4,000. The OSCE-run Kosovo Police Academy trained over 3,000 local police officers for the newly established Kosovo Police Service (KPS). The KPS partnered with CIVPOL in field training. CIVPOL later began to transfer basic policing functions to KPS in some areas, while continuing to provide oversight. Several hundred additional KPS recruits continued training, and the OSCE was on schedule to have over 4,000 KPS trained by the spring of 2001. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), began training to respond to civil and medical emergencies. The International Organization for Migration (IOM) coordinated several dozen humanitarian projects for the KPC, often in collaboration with nongovernmental organizations (NGO's). Some members of KFOR, CIVPOL, and the KPC occasionally committed abuses.

A long history of mismanagement by Yugoslav Federal and Serbian authorities left the economy in poor condition even before armed conflict resulted in the massive destruction of property and economic enterprises. Key industries before the conflict were mining, metallurgy, and related manufacturing enterprise. The prewar economy also had a substantial agrarian sector. Unemployment among the predominantly ethnic Albanian population was estimated at 62 percent. Unemployment rates were much higher among Serb and other minority communities, although some Serbs continued to receive stipends or pensions from Yugoslavia. International organizations and donors continued their programs to improve the infrastructure and provide a regulatory climate conducive to enterprise and investment. About 70 percent of small and medium-sized private enterprises restarted activities. However, the instability of the region, coupled with the destruction of property records and a still weak legal and regulatory framework, caused private capital investment to lag. The privatization of state enterprises stalled pending the resolution of significant property issues. Domestic energy generation capacity was about 50 percent of demand, and energy import arrangements remained uncertain. Remittances from relatives abroad and foreign aid were important sources of national income. Significant criminal economic activity took place, especially in the fuel sector. International financial institutions estimated gross domestic product at less than \$400 per capita.

UNMIK generally adhered to international human rights standards in its administration of the province; however, serious problems remained, largely as a result of ongoing interethnic tensions. A few killings resulted from attacks that appeared to be politically motivated. Citizens continued to be killed by landmines planted by combatants during the 1999 conflict. Some kidnappings and disappearances contin-

ued. Approximately 3,600 persons also were missing and unaccounted for as a result of the armed conflict in 1999, including approximately 2,750 Albanians, 500 Serbs, and 300 members of other ethnic groups. The International Criminal Tribunal for the Former Yugoslavia (ICTY) exhumed 3,620 remains in 1999 and 2000, of which about 1,260 remains were still unidentified. There were some reports of the excessive use of force by KFOR and CIVPOL during arrests. Early in the year some KPC members were accused of committing incidents of intimidation and extortion. In the course of carrying out their law and order enforcement functions, KFOR and CIVPOL at times used arbitrary arrest and detention, and lengthy pretrial detention remained a problem. The judiciary was subject to bias and outside influence, particularly in interethnic cases, and did not always ensure due process. Some newspapers engaged in hate speech or printed articles providing personal details of alleged war criminals or collaborators. After some of those individuals were attacked, UNMIK issued a temporary regulation that prohibited articles that might encourage criminal activity or violence. Some observers in both the local and international media criticized this regulation as an infringement of freedom of the press. In order to prevent the potential for large, unruly gatherings, UNMIK occasionally limited freedom of assembly. There were some limits on freedom of movement. Over 150,000 Kosovar Albanians returned to the province during the year; only a few ethnic Serbs and other minorities returned. Rape, violence, and discrimination against women remained serious problems. Religious tension and violence continued. Ethnic Albanians destroyed approximately 20 Serbian Orthodox churches during the year, with a total of 100 destroyed since June 1999 in retaliation for Yugoslav troops' earlier destruction of mosques. Societal violence against ethnic Serbs, Roma, and other minorities was widespread, but decreased somewhat during the year. A total of 245 civilians were killed and 522 cases of arson were reported during the year. Most murders of minorities were rooted in ethnic retaliation; other killings more often were connected to criminal enterprise, political factionalism, and private feuds. Societal discrimination continued to target Roma, in retaliation for the group's alleged collusion with Serbs in the period before and during the NATO bombing campaign. The approximately 100,000 Serbs who remained in Kosovo live primarily in the north or in enclaves under the protection of KFOR. While a few Serbs and other minorities who left Kosovo in 1999 came back, security conditions did not permit large-scale organized returns. Worker rights are not developed fully, and child labor persists. Trafficking in women and girls to and through the province was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—KFOR forces killed several individuals during operations. UNMIK and military authorities investigated these killings, but found no circumstances in which those responsible had acted improperly. On February 15, snipers wounded two KFOR soldiers. The soldiers responded by killing an Albanian and wounding at least four persons whom they said were firing at them from the rooftops. More than 35 other Albanians were detained on suspicion of involvement in the sniping. In August KFOR troops killed two Albanian males, claiming self-defense; some reports suggested that the two Albanians were shot in the back, and KFOR relieved at least one soldier of his duties pending investigation. On December 17, in Leposavic (Leposaviq),² two Serbs were killed and one wounded after rioters protesting the arrest of a Serb man for the attempted murder of a KPS officer surrounded a U.N. police station guarded by KFOR soldiers and took seven KFOR soldiers hostage. One Serb was killed by gunfire; a KFOR commander reported that soldiers had fired warning shots that may have ricocheted and hit a protester. The other Serb died of a heart attack.

In January authorities accused a KFOR soldier, Sergeant Frank Ronghi, of raping and killing a 12-year old Albanian girl. A military tribunal subsequently convicted Ronghi and sentenced him to life in prison.

In July 1999, KFOR arrested three members of a Kosovo Serb family for shooting and killing an Albanian man and wounding a second. In July the court trying the case heard credible evidence from KFOR that KFOR snipers were responsible for the shootings when called to the scene of an altercation (see Section 1.d.).

Several killings appeared to be politically motivated. Some killings and attacks apparently were related to the October municipal elections. The majority of reported political intimidation attempts, which included drive-by shootings, kidnaping, and

² Throughout this report, dual town names are given: The Serb town name, followed by the Albanian name in parenthesis, except where towns universally are known by one name.

arson, were said to be aimed at representatives of the Democratic League of Kosovo (LDK), led by Ibrahim Rugova, although other political parties subsequently reported nonlethal attacks as well. The LDK's rival, the Democratic Party of Kosovo (PDK) led by Hashim Thaci, the former head of the KLA, often was cited as being behind the attacks, although nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. UNMIK police rarely were able to identify perpetrators. Human Rights Watch (HRW) reported that on June 15, two men wearing KLA badges killed senior LDK politician Alil Dreshaj. On August 4, the burned body of Shaban Manaj, an LDK politician and lawyer from Istok (Istog), was discovered following his disappearance 2 weeks earlier. On November 23, Xhemal Mustafa, cofounder of the LDK and President Rugova's press adviser was killed by unknown gunmen in the stairwell of his apartment building in Pristina. No arrests had been made by year's end. Attacks against LDK functionaries occurred in most other regions of the province as well.

Unknown assailants killed two former KLA officers in April and May, respectively, shooting Besim Mala, also known as "Commander Murrizi," in the streets of Pristina, and Ekrem Rexha, also known as "Drini," in Prizren. UNMIK police attributed their killings to business disputes, rather than political motives. On July 12, a supporter of Ramush Haradinaj, a politician and former senior KLA commander, was murdered. On September 20, police found the body of Skender Gashi, a KPC officer and former KLA commander, in Orahovac (Rahovec); he had disappeared 2 days earlier. Local speculation included political, ethnic, and criminal motives for these killings, while the police attributed the murders to personal disputes.

Unknown assailants killed one journalist, Shefki Popova, in September in Vucitrn (Vushtrri) (see Section 2.a.). Popova was listed as a Social Democratic Party candidate in Vucitrn (Vushtrri)'s municipal elections.

The number of killings in the province decreased from the total recorded up to June 1999, when Yugoslav armed forces and Serbian police withdrew from the province, and also from the total recorded in the second half of 1999, about 400 killings. According to available figures, there were 245 murders during the year, including 146 Albanians, 55 Serbs, 9 Bosniaks, 12 Roma, and 23 of unknown or "other" category, including 2 KFOR soldiers. U.N. police made arrests in only 2 to 3 percent of murder cases. Most murders of Serbs and other minorities were ethnically motivated (see Section 5), but the majority of murders of Albanians apparently were connected to family and economic rivalries and criminal activities.

On February 29 in Srbica (Skenderaj), a Kosovar Albanian, Faton Hajrizi, killed a KFOR soldier. Hajrizi was arrested for the killing a number of times during the year and escaped from prison. He was rearrested in December and remained in custody at year's end. A second KFOR soldier was found dead, a presumed homicide, at the end of April; no perpetrator has been identified.

Rexhep Luci, Pristina's director of urban planning, was killed in September. Kosovars and outside observers attributed the killing to Luci's role in heading up UNMIK's program to tear down illegal construction. Local commentators expressed grave concern that the killing would hinder efforts by Kosovar officials to establish civil order.

On November 22, an explosion at the Pristina residence of Stanimir Vukicevic, the Yugoslav representative in Kosovo, killed one man and injured three others. The attack apparently was intended to protest the participation of Kosovo in the December Serbian parliamentary elections.

In December 1999, an ethnic Albanian former judge was killed. He had worked in the Serbian judicial system.

The International Crisis Group reported that in November 1999, five persons were abducted and killed by persons claiming either to be members of the Provisional KPC or the Policia Ushtarake, the KLA's military police, which was outlawed by UNMIK. Their bodies were found around the KLA compound in Lukare, north of Pristina. Four were identified; three as Roma, one as an Albanian woman. All four had been accused locally of having "collaborated" with Serb forces.

Although there was credible evidence of Yugoslav agents and special forces teams in Kosovo, there were no confirmed reports of killings by Yugoslav or official Serbian forces inside the province.

Some Kosovar Serbs continued efforts begun in 1999 to expel Albanians and other ethnic groups from the northern part of Mitrovica. In February, during an increase in violence in that city, groups of Serbs, reportedly including Serbian police, attacked ethnic Albanians on several occasions, killing eight civilians. The attacks were viewed as retaliation for a grenade attack on a U.N. High Commissioner for Refugees (UNHCR) bus that killed two Serbs traveling from Mitrovica. During the month of February, over 1,500 Albanians, Muslim Slavs, and Turks fled their homes

in the north side of the city, and Serbs withdrew from southern Mitrovica, where they were a minority (see Section 5).

As a result of the 1999 armed conflict, certain rural areas of the province were filled with unexploded landmines and ordnance. Landmines and ordnance explosions killed 93 persons from June 1999 to April and injured more than 300. The U.N. Mine Action Coordination Center (MACC) in Pristina accredited 16 international demining organizations in Kosovo. Well over 1,000 persons were involved in the demining effort in the province, clearing 8,980 mines, 4,932 cluster bomb units, and 5,774 other ordnance. KFOR and MACC cleared over 16,000 houses, 1,165 schools, 1,056 miles of roads, and 124 miles of rail tracks. International organizations and NGO's undertook a widespread public education campaign on mines.

Virtually no town or settlement escaped the effects of the Milosevic regime's campaign of ethnic cleansing in 1999, with reports of dozens, sometimes hundreds, of civilians murdered in each town. Kosovo's still fragile investigative, judicial, and penal systems, in addition to ICTY, worked to ensure that perpetrators were identified and punished. Beginning in mid-1999, the ICTY began its program inside Kosovo, and carried out investigations in support of ongoing and future proceedings against presumed war criminals, including exhuming mass graves to permit the identification of victims of the war and ethnic cleansing. By year's end, the ICTY completed the exhumation of remains, begun in 1999, of some 529 graves, uncovering for identification the remains of 3,600 persons over the 2-season exhumation period. In May UNMIK issued a regulation establishing the Victim Recovery and Identification Commission (VRIC), primarily charged with identification of remains. Working with families on the basis of information they provided, details of the events, and the recovery of clothing and personal effects, the VRIC was able to positively identify victims. The remains of about 1,400 victims were unidentified at year's end.

UNMIK suspended efforts to create a local Kosovo War and Ethnic Crimes Court due to lack of funding, concern over the scope of its mandate, and possible redundancy in view of the presence of international judges.

Proceedings began in the Kosovo courts to adjudicate about 40 cases of alleged war crimes and genocide arising from the conflict, as well as murder cases dating from the period starting in June 1999. Of these, one war crimes case was decided on September 20, with the conviction in Gnjilane (Gjilan) of Kosovar Serb Milos Jokic for murder, attempted murder, and rape. He was sentenced to 20 years in prison.

b. Disappearance.—Individual disappearances and kidnappings continued. In June an angry crowd of Serbs attacked UNMIK offices in Strpce (Shterpce) over the disappearance of a Serb shepherd. Marjan Melonasi, a journalist for Radio-Television Kosova who was half Serbian, disappeared in Pristina around September 9 (see Section 2.a.). Human rights organizations and police confirmed the kidnaping or disappearance of several young women each month. Most but not all of these victims reportedly eventually reappeared or were found, many after they were raped.

As a result of the 1999 armed conflict, and despite the efforts of the International Committee of the Red Cross (ICRC), the ICTY, and other local and international organizations, the fate of over 3,600 persons (2,750 Albanians presumed taken by Serbs, 500 Serbs presumed taken by Albanians, and 300 members of other ethnic groups) remained unknown at year's end. Withdrawing Yugoslav forces also took more than 2,000 Albanian detainees with them into Serbia; Serbian authorities released over 1,300 by year's end, reputedly after payment to Serb middlemen by detainees' families in most cases.

Both the ICTY and the VRIC, assisted by other international governmental and nongovernmental entities, continued their work to identify bodies exhumed from mass gravesites (see Section 1.a.). ICTY and other international experts did not expect to find many new mass graves. A clear gap continued between the 1,260 unidentified remains and the 3,600 persons reported to the ICRC as missing and unaccounted for at year's end. Efforts by governments, international organizations, and NGO's to determine the fate of these missing persons, including through pressure on Yugoslavia, did not lead to any results.

In August the U.N. High Commissioner for Human Rights named a Special Envoy for Persons Deprived of Liberty in Connection with the Armed Conflict in Kosovo. In September the SRS announced the establishment of an office in Pristina for detainees and missing persons.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The law prohibits torture and other cruel forms of punishment, and CIVPOL and KFOR largely respected the law in practice; however, there were sporadic reports of the use of excessive force during arrests and other abuses. Military authorities reported in September that nine members of a KFOR unit, including four officers,

were disciplined following an investigation into allegations of excessive force, beating of suspects, and sexual assault on women at checkpoints and while on patrol. KFOR used tear gas to disperse a peaceful demonstration in Mitrovica (see Section 2.b.).

Some reports suggested that KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. In response UNMIK and KFOR put into place a KPC disciplinary code and a compliance enforcement framework, which assigned responsibility for investigating and disciplining KPC compliance violations and criminal actions. At KFOR's insistence, all six KPC zone commanders were rotated in October. By the end of the year, documented instances of KPC non-compliance had decreased significantly.

International organizations reported that in the first half of 1999, Serb forces subjected ethnic Albanian women to illegal confinement, rape and other forms of torture. ICTY has ruled that the definition of war crimes includes the Serb use of rape and sexual assault against ethnic Albanians. Kidnapings and mass rapes occurred in Djakovica (Gjakova), Pec (Peja), and Drenica, using local hotels and army camps as mass rape sites, and gang rapes of women occurred in their homes or on the side of the road. Assailants killed male family members who tried to intervene and women who tried to escape. According to credible information, individual KLA soldiers and other Albanians raped Serb and Roma women in the months following Yugoslavia's withdrawal in 1999. Since then, police have registered over 95 individual rape and attempted rape complaints, but there has been no strong ethnic pattern, nor evidence to suggest organized sexual abuse of minority women. However, rape is underreported significantly due to the cultural stigma attached to victims and their families (see Section 5).

Numerous attacks on political figures, particularly members of the LDK, were reported, both before and after the October municipal elections (see Section 3). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases.

In early December, unknown assailants attempted to kill Hajvas Berisha, a former commander of the KLA and a KPS member, in Pristina. UNMIK arrested three of the alleged assailants; however, because the case involved a family blood feud, no charges were filed against the assailants because the case was settled out of court through traditional Albanian feud mediation methods.

KFOR arrested a group of Serbs in Gracanica in September in possession of a large cache of explosives and arms. The Serbs reportedly were planning terrorist acts against UNMIK and other international entities. Two were reportedly officers of a special forces unit of the Yugoslav Army (VJ).

There were some reports of attacks and intimidation of UNMIK and KFOR officials. In February, a KFOR soldier was shot by unknown assailants while escorting Serb children from school in Gnjilane (Gjilan), apparently in retribution for the killing of two Albanian males by KFOR soldiers earlier in the year. On September 12, Vjosa Dobruna, the Kosovar co-chair of the Department of Civil Society and Democratic Governance, reported that her car was broken into and moved from its parking place; nothing was missing or stolen. On December 7, Serbs beat a U.N. policeman during an inspection of suspected weapons caches in northern Mitrovica. On December 19, unknown persons attacked the UNMIK building in Zubin Potok with automatic gunfire and grenades.

Prison conditions meet prisoners' basic needs of food, sanitation, and access to medical care; however, facilities are in need of further refurbishment and repair. Some facilities are overcrowded. UNMIK established the Kosovo Correction Service (KCS), and the OSCE provided training for over 400 of a planned force of 700-plus corrections officers. The KCS, which included international corrections experts as interim administrators, operated 3 prisons in Prizren (with a capacity 100 inmates), Dubrava (with a capacity of 520), and Lipljan (Lipjan). The latter is to be restricted to women and juveniles and eventually after further renovation is to offer space for mentally disturbed prisoners and detainees after further renovation. CIVPOL and KFOR operated four additional detention centers in Pristina, Mitrovica, Pec (Peja), and Gnjilane (Gjilan). KFOR also held detainees accused of war crimes and serious ethnic offenses at Camp Bondsteel, but planned to turn over all detention responsibilities to the KCS by early 2001. In the absence of currently suitable detention facilities for mentally disturbed prisoners, police released a visibly disturbed female detainee from the Mitrovica detention center on August 22; she reportedly committed suicide 3 days later.

Male and female prisoners are separated, and there is a separate facility in Lipljan (Lipjan) for females and juveniles, but there have been cases of older youths who have been held with the general adult population.

Prisons and detention centers permitted the ICRC full access to prisoners and detainees. In the absence of a formal agreement but pursuant to OSCE's mandate for human rights monitoring under UNSCR 1244, they also offered ad hoc access to the OSCE human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—Under UNMIK regulation 1999/24, issued in December 1999, which incorporated a local law in effect as of March 1989 and current practice, police may detain criminal suspects for up to 72 hours without charging them or granting them access to an attorney; however, in many cases, sources reported that CIVPOL used the 72-hour detention authority as a means of minor punishment with no intention of filing charges. The applicable rules of criminal procedure permit pretrial detention for up to 6 months, but UNMIK has decreed by regulation that this period may be extended by up to an additional 6 months in specific circumstances, in the case of crimes punishable by a sentence of over 5 years.

In some instances, the KFOR Commander (COMKFOR) intervened to continue the detention of persons ordered released by the courts but deemed an ongoing security threat. In July the prosecutor in Gnjilane (Gjilan) declined to press charges against Afrim Zeqiri, an ethnic Albanian accused of shooting three Serbs in May, including a child, and an international judge complied with the order to release him (see Section 5). Given the ethnic sensitivity of the case, UNMIK asked KFOR to hold the accused pending review by an international prosecutor. The case has since gone before another panel of ethnic Albanian judges, and was found without merit. Zeqiri has not been released. COMKFOR also held until July two ethnic Albanians accused of killing two Serbs in July 1999, despite the fact that the Pristina district court ordered their release in November 1999. Some accused persons were held for several months pending the five district courts' becoming operational in January and February. For example, in Gnjilane (Gjilan) district, 12 defendants accused of serious crimes were awaiting trial when the court began hearing cases in February; most of these had been in detention for some time, some as long as 7 months. In May 41 Serb and Roma prisoners in Mitrovica went on a hunger strike for several weeks to protest the delay in holding their trials.

Some observers argued that ethnic bias played a significant role in abuses of due process. In July 1999, authorities arrested three members of the Serb Momcilovic family accused of killing an Albanian and wounding another. The newly appointed prosecutor for Gnjilane (Gjilan) indicted the three in January; their trial took place in April, subsequently was adjourned, and did not reconvene until the end of July. Although at that point there was evidence exonerating the defendants of murder, the court ordered further gathering of evidence before convicting them on weapons charges in August and sentencing them to time served. In the meantime, the other 11 (ethnic Albanian) defendants awaiting a functioning court in Gnjilane (Gjilan) were tried in February. Observers also argued that the Momcilovics' detention was prolonged unnecessarily due to the court's refusal in April to admit a video that tended to exonerate them, and to KFOR's failure to perform a sufficiently detailed investigation into the initial incident and transmit the evidence in a timely manner.

Some 300 persons remained in pretrial detention in CIVPOL and KCS prisons and detention facilities and 57 persons remained in KFOR detention.

At the end of the year, the Yugoslav authorities continued to detain approximately 700 Kosovar Albanians in prison in Serbia, charged with alleged crimes arising from the Kosovo conflict. Federal and Serbian laws regarding conspiracy, threats to the integrity of the Government, and terrorism are vague and were abused by the Milosevic regime. Yugoslav authorities released over 1,300 detainees, allegedly through the payment of bribes in some cases. The ICRC was able to gain permission for some family members to visit detainees in Serbia under restricted conditions.

There were no reports of political detainees.

Exile is not permitted legally, and there were no reported instances of its use. However, the continued fear of ethnic Serbs and other minorities of revenge against them by Kosovar Albanians led large numbers to leave Kosovo (about 150,000 Serbs left during and after Yugoslavia's withdrawal), sometimes more or less voluntarily and sometimes under harassment by Albanians. The departure of Serbs and other minorities continued throughout the year.

e. Denial of Fair Public Trial.—Applicable law provides for an independent judiciary; however, the legacy of ethnic conflict and years of Yugoslav oppression were an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases involving ethnic disputes.

Supported by an Advisory Judicial Commission, UNMIK re-established a court system in Kosovo that included the Supreme Court, 5 district courts, 18 municipal courts, the Commercial Court, 13 offices of the Public Prosecutor, and a number of courts for minor offenses. Of those officials appointed by the UNMIK SRSG, 324 judges and 52 prosecutors began work, as well as 377 lay judges to assess the facts of the case. The judicial corps is almost exclusively Albanian; 8 of 12 Serbian appointees refused to serve. UNMIK also appointed members of other minorities, who are serving.

Approximately 15 UNMIK-appointed international judges and prosecutors work in the district courts alongside local judges in sensitive ethnic cases. UNMIK planned for at least two international judges and one international prosecutor in each of the five judicial districts. UNMIK appointed 405 judges and prosecutorial personnel and refurbished judicial facilities. Courts in all five districts began operations.

The law provides for the right of defendants to be present at their trials and to have legal representation, at public expense if necessary; however, local judicial and legal personnel by and large had not worked in the legal system since 1989, and the full exercise of defendants' rights was not ensured.

The defense bar was weak and disorganized as well as rooted in a more passive approach to defense due to years of practice under Socialist and authoritarian codes. A program was underway to improve the bar at year's end. Legal personnel were in the initial stages of learning and applying international human rights laws and conventions. Since UNMIK and the Kosovar legal community have not approved a new bar examination, recent law students and legal personnel may not practice.

Serb lawyers and judges refused to participate in the judicial system established by UNMIK, reportedly encouraged by the Milosevic regime not to accept the Kosovo system by participating in it. This practice effectively denied adequate representation and due process to Serb defendants.

When they began hearing cases in January and February, the courts faced a high backlog of criminal cases of all kinds. By June the courts had tried 695 criminal cases, the vast majority of them petty crimes and crimes against property; only 13 of them were murder cases, and most resulted in fines or prison sentences under 6 months. An update on the number of cases tried was unavailable at year's end.

There was a perception by human rights observers that in cases with Serb defendants or victims, a fair trial was unlikely due to ethnic bias. In July two Kosovar Albanians allegedly shot and injured three Serb Orthodox clerics (see Sections 2.a. and 5). Police arrested the accused, who were charged with attempted murder. When confusion and miscommunication led the victims missing a court date, the Albanian judge and prosecutor ordered the release of the defendants from pretrial detention. The court president subsequently rescheduled the hearing, and UNMIK assigned an international prosecutor to the case.

After the NATO campaign and Yugoslavia's withdrawal from Kosovo, Kosovar Albanian judges were unanimous in rejecting Yugoslav and Serbian law. On December 12, 1999, UNMIK issued Regulation 1999/24, which defined applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel were enjoined to apply the Kosovo code in effect in 1989 first, and to proceed to the Yugoslav and Serbian codes to the extent that the first was incomplete. UNMIK Regulation 1999/24 bound all public officials to respect international human rights laws and conventions; although they initially largely were unacquainted with these, international organizations and NGO's implemented programs to increase awareness and application.

Kosovar and European legal experts reviewed the compilation of applicable criminal law to ensure compliance with generally accepted international standards. Legal experts then reviewed a criminal code for Kosovo based on the regulation's guidance, but have not yet issued the new codes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Under UNMIK, authorities generally respected these rights; however, individuals occasionally accused KFOR and U.N. Police of using excessive force and improper behavior in executing weapons searches in private homes, including breaking down doors and destroying personal property.

In Mitrovica Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. Albanians in the southern part of Mitrovica continued to refuse Serbs access to their property there as well. Civilians were also responsible for the destruction, often through arson, of private property (see Section 5). There were a growing number of credible reports of violence and intimidation being used to force Serbs to sell their homes to Albanians at attractive prices.

Respect for private property rights has proved problematic. Withdrawing Yugoslav forces destroyed most existing property records and this, combined with the disruption of 10 years of Serbian authoritarianism and discrimination and the massive property destruction during the conflict, cast doubt over how current occupants of vacated properties could remain where they were living, how owners could reclaim rightfully their property, where returnees and internally displaced persons (IDP's) could live and build, and how potential investors could gain title to land before investing significant sums. UNMIK created by regulation the Housing and Property Directorate and the Housing and Property Claims Commission responsible for resolving property issues and adjudicating disputes including claims for restitution of property lost through discrimination, requests for registration of informal property transaction, and claims by refugees and IDP's who lost their property. However, the Directorate and only had offices in Pristina, although with mobile teams heard disputes elsewhere. The regulation setting up the Housing and Property Claims Commission removed court jurisdiction over private (as opposed to commercial) property disputes. As a result, most property disputes remained unresolved. There were locally administered ad hoc solutions, and unregulated construction proceeded even as solutions for those persons without accommodation still were lacking.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—UNMIK regulations provide a framework for recognition of these rights, prohibit hate speech, and regulate media conduct; however, local media and some international media organizations and attorneys criticized UNMIK regulations on speech and the press as undemocratic and an infringement on the freedom of speech and of the press.

UNMIK Regulation 1999/24 requires that public officials respect international human rights laws and conventions, including the Universal Declaration of Human Rights, which recognizes freedom of speech and of the press. Through its regulation establishing the Department of Post and Telecommunications, UNMIK asserts control over broadcasting infrastructure; the OSCE oversees the Department of Media Affairs. In February UNMIK issued Regulation 2000/4, which prohibited hate speech and speech that incites ethnic violence.

In June UNMIK issued Regulations 2000/36 and 2000/37 on the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board. The TMC is responsible for publishing a broadcast code of conduct and issuing licenses, for issuing temporary codes of conduct for print media, and for imposing sanctions, up to and including closing down offending media organs, in the event of violations of UNMIK regulations or published codes of conduct.

Newspapers resumed publishing, and by year's end, there were seven daily newspapers and seven weeklies or monthlies. All newspapers published in Kosovo were printed in Albanian; journals in Serbo-Croatian were printed elsewhere and imported. The main dailies are aligned with different political parties. While flourishing, the print media often acted irresponsibly, publishing inflammatory articles that provided personal data including names and addresses of alleged war criminals or collaborators and inciting violence against political personalities. For example, the daily Dita published an article on Petar Topoljski, an UNMIK Serb employee who subsequently was murdered (see Section 5). In reaction UNMIK promulgated Regulations 2000/36 and 2000/37, which prohibited the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise.

In July Dita accused Serbian Orthodox priests of war crimes. The Orthodox Church denied that photographs published with the article depicted any known priests. Two ethnic Albanians subsequently attacked and injured a priest and two seminarians, (see Sections 1.e. and 5). The newly appointed TMC fined the newspaper \$12,200 (DM 25,000). In its decision on Dita's appeal of the fine, the Media Appeals Board ruled that since the situation in Kosovo approximated a state of emergency, UNMIK's regulation did not violate international human rights laws and that Dita's article violated the UNMIK Regulation. However, the Board decided that the TMC did not apply proper procedures in fining Dita, and overturned the penalty.

At year's end, there were over 50 radio and 9 television stations. While the television broadcasts were exclusively in Albanian, several radio stations broadcast in Serbo-Croatian for a Serbian audience, and others, notably Radio Kontakt (which also broadcast in Albanian, Turkish, and English) aimed at a broader multiethnic audience.

There were some attacks on journalists. Radio Kontakt was the target of a grenade attack on April 17. On June 20, Valentina Cukic, an editor of Serbian lan-

guage programming for Radio Kontakt, was shot and wounded in Pristina while wearing her KFOR press identification. Radio Kontakt previously had sought protection from CIVPOL, KFOR, and the OSCE in response to threats and violence against the station, which promotes multiethnic programming. In response, CIVPOL provided protection details for Radio Kontakt personnel, as well as security at the station premises. A writer for the daily *Bota Sot* claimed that an unknown assailant threw an explosive device into his yard in Prizren in August. In September unknown assailants shot, stabbed, and killed Shefki Popova, a newspaper reporter, outside his apartment in Vucitrn (Vushtrri). A radio journalist, Marjan Melonasi, disappeared the same weekend (see Section 1.b.). In October Dita reported that LDK sympathizers on their way to a rally near Urosevac (Ferizaj) beat a radio reporter. Anecdotal evidence suggests that the intimidation of journalists, like other public figures, is underreported due to concerns for personal safety.

The University of Pristina was in full operation beginning with the 2000–01 academic year, with new and pre-1989 staff. The university terminated and expelled six professors who cooperated with Yugoslavia by teaching after 1989, when Kosovo lost its autonomy and a shadow education system was established. UNMIK respected academic freedom.

b. Freedom of Peaceful Assembly and Association.—UNMIK generally respected freedom of assembly; however, occasionally it limited this right.

On February 11, in Mitrovica Serbs in the northern part of the city violently forced Albanians out of their homes, killing eight in the process. Approximately 100,000 Albanian Kosovars marched in protest to Mitrovica from Pristina and other towns en route. Although the march itself was peaceful, KFOR prevented any attempt by the marchers to cross the bridge over the Ibar River into north Mitrovica and used tear gas to disperse those demonstrators who would not leave the bridge area at the end of the march.

Several demonstrations protested against UNMIK and the international community for not doing enough to locate missing persons, including a May hunger strike by about 15 persons in Pristina. In September about 60 persons who had been released from detention in Serbia went on a hunger strike in Dubrava to protest the continued detention of ethnic Albanians by the Belgrade regime.

In September local civil society representatives, joined by political parties and international representatives, organized a “Day Against Violence” as one element of reconciliation initiatives discussed at an overseas conference in July on reconciliation.

In its regulations governing the definitions of and registration requirements for both political parties and NGO’s, UNMIK stated specifically that such regulations did not affect the right to association and UNMIK generally respected this right.

c. Freedom of Religion.—UNMIK respected the right to freedom of religion, and Regulation 1999/24 binds local officials to respect this right under international human rights laws and conventions.

The effects of the Milosevic regime’s oppression in Kosovo still are felt strongly. While the Milosevic regime and its local paramilitaries targeted persons and properties based largely on ethnicity, most Albanians are Muslims, and Yugoslav forces destroyed or damaged a number of mosques and other Islamic facilities prior to their withdrawal in June 1999. Given the strong association between Serbs and the Serbian Orthodox Church, ethnic Albanians attacked churches as symbols of the Serbian regime. Following Yugoslavia’s withdrawal in 1999, over 100 Serbian Orthodox churches were burned or destroyed in retaliation (see Section 5). In light of societal violence against properties owned by the Orthodox Church, UNMIK authorities took steps in the months following the conflict to ensure that members of all religious groups could worship safely, including deploying KFOR security contingents at Orthodox religious sites throughout the province. Because the security situation improved at the end of the year, KFOR began transferring responsibility for security at a very limited number of Orthodox churches to CIVPOL and the KPS.

In July Dita accused Serbian Orthodox priests of war crimes. The Orthodox Church denied that photographs published with the article depicted any known priests. Two ethnic Albanians subsequently attacked and injured a priest and two seminarians, (see Sections 1.e., 2.a., and 5).

Kosovo’s leading Orthodox cleric, Bishop Artemije, continued to reside in Gracanica, near Pristina, citing safety concerns, rather than in the diocesan seat in Prizren. Other leading Orthodox clerics also left their home parishes to reside in Gracanica.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—Applicable law provides for freedom of movement; however, both the aftermath of war and practical obstacles restricted such movement in practice. Serbian and Yugoslav forces carried out a deliberate campaign of “identity cleansing”

during the war, confiscating and destroying citizen identification documents and destroying the central and municipal archives and civil registers, with the result that many Kosovars had no documentation of identity. Some persons who retained Yugoslav passports found them invalid or unrecognized by neighboring countries due to the war. UNMIK published a regulation in March that authorized the Central Civil Registry to issue travel documents to any person registered as a habitual resident of Kosovo. The complexities of registering mass numbers of persons without any personal documentation drew out the process. In the interim, the SRSG issued individual travel letters in limited cases, but only a few countries recognized these documents. In September the U. N. submitted a sample travel document to member states for approval. However, because UNMIK was unable to issue identity cards until the end of the year, new travel documents were not issued.

While precise figures are unavailable, substantial numbers of Serbs and Roma fled Kosovo following the conflict. Many displaced Serbs did not register with international agencies, but there are estimates of up to 150,000 Kosovar Serbs in Serbia, with an undetermined small additional number in Macedonia and approximately 30,000 displaced Kosovar Serbs, Roma, and other minorities in Montenegro. Numbers of displaced Roma are also difficult to estimate, although some sources report that as many as 25,000 Roma fled Kosovo in the aftermath of the conflict. Most did not return. Those who remained in Kosovo or who did return led lives restricted by the ethnic threats from some of their Albanian neighbors (see Section 5).

After Milosevic withdrew Yugoslav troops in June 1999, the UNHCR oversaw the return of some 882,000 Kosovar refugees and IDPs from surrounding regions and other countries; about 150,000 have returned since the beginning of the year. While UNMIK and the international community were able to address many of the most pressing problems of the returnees, problems remained in obtaining sufficient housing, social services for the most vulnerable, property records, and education. Based on the establishment of a civil administration by UNMIK, several countries that had offered temporary refuge to ethnic Albanians forced by Milosevic to leave Kosovo ended their programs and began forcing the refugees to return to Kosovo, which tested the capacity of the province to absorb returnees. In October UNMIK asked countries to suspend returns until March of 2001.

About 100,000 Serbs, 30,000 Roma, and 67,000 other minorities remained in Kosovo. Most of the 150,000 Serbs and about 30,000 Roma who fled when Yugoslav forces withdrew did not return, except in individual cases, due to fear of ethnic violence should they return without sufficient security safeguards and due to lack of economic opportunity, housing, and other basic services. UNMIK, the UNHCR, and the international community began a minority stabilization program to address some of these assistance needs. Although the high level of anti-Serb violence that characterized the period just after Yugoslavia's withdrawal decreased significantly, ethnically motivated violence and crime continued to be serious problems for minorities (see Section 5). Several villages that were once ethnically mixed have become almost entirely Albanian, with Serb residents moving to Serb villages elsewhere in Kosovo or leaving altogether. KFOR and UNMIK provided security to enclaves and minority settlements, and escorted minority members who left their residence areas to visit family, gather fuel, shop for food and other goods, attend school, and receive medical care. KFOR regularly escorted convoys of private vehicles, and the UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia. In February a rocket attack on a UNHCR bus killed two Serbs and wounded several more; as a result, the UNHCR suspended bus service for several weeks (see Section 5). Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians. On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war (see Section 5). Most minorities—including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma—lived alongside ethnic Albanians and reported that their security situation improved over the course of the year, although incidents of violence and harassment continued to occur and their freedom of movement is restricted in some areas of Kosovo. The Turkish community is more closely integrated with Albanians and is less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid.

In April the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Albanian leaders visited those areas where local Albanians and Roma were trying to establish more cooperative inter-ethnic relations, thus encouraging a climate conducive to the return of those who fled the province earlier. Roma still experienced difficulty in obtaining freedom of

movement. The degree of harassment by neighboring Albanians varied, with a greater degree of difficulty for the Roma living in Kosovo Polje (Fushe Kosova), Obilic (Obiliq), Podujevo (Podujeva), Lipjan (Lipjan), and Gnjilane (Gjilan) (see Section 5). However, there were areas, notably around Urosevac (Ferizaj) and Djakovica (Gjakova) where Roma, Egyptians, and Albanians reportedly cohabited without major incidents. Both Roma and Serb families were reluctant to send their children to school, citing security concerns.

In early May UNMIK established the Joint Committee on Returns with participation from KFOR, the UNHCR, and the Serb National Council to facilitate and coordinate returns of minorities to Kosovo.

In Mitrovica there were restrictions on freedom of movement due to ethnically based harassment (see Section 5).

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

UNMIK and local authorities cooperated with the UNHCR to assist returning refugees.

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

From 1989 until NATO's intervention, Kosovar Albanians expressed their frustration with the province's status within Serbia through a boycott of the political system and did not attempt to affect the Government through the electoral process. After the withdrawal of Yugoslav forces in 1999, UNMIK, the OSCE, and other international actors, including donors, began to prepare for municipal elections, with the aim of eventually organizing elections for a Kosovo-wide government. One of the most critical elements of the establishment of both a civil administration and an electoral process was the registration of Kosovo's legitimate residents, following Yugoslavia's "identity cleansing" (see Section 2.d.).

At the conclusion of the electoral registration effort by the OSCE, about 901,000 of an estimated population of over 1 million persons successfully registered. UNMIK established a Central Election Commission, which was charged with establishing electoral rules and with organizing the operational details of the elections; there were also municipal election commissions in each of the 30 municipalities where elections were held. Pursuant to a registration process established in March, 22 political parties, 1 coalition of 6 parties, 3 citizens' initiatives (grassroots organizations formed for political purposes), and 16 independent candidates registered to run for office. Serbs, citing security concerns and a lack of freedom of movement, did not participate in the registration process and boycotted the October municipal elections. Many Turks, due to a dispute with UNMIK over the use of the Turkish language in official documents and procedures also did not participate, although one Turkish political party did. Other minorities participated in registration and in the elections. Several fielded political parties and citizens' initiatives that won municipal seats in the vote or agreed to accept appointed seats after the elections.

Campaigning for the municipal elections began officially on September 13. Earlier in the summer, there was an increase in violence that appeared to be related to the election. Political parties, especially the LDK but also the PDK and other parties, reported attacks on political figures, both before and after the October municipal elections (see Sections 1.a. and 1.c.). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. For example, in June an LDK official was beaten in Urosevac (Ferizaj). On July 18 and 21, LDK officials were attacked in Lipjan (Lipjan). On August 2, Sejdi Koca, an LDK leader in Srbica (Skenderaj), was shot; during that week an LDK official also was shot in Podujevo (Podujeva). On August 18, a bomb attack damaged the office of the Party of Democratic Action, Kosovo's Bosniak party. It was not clear whether the attack was directed at the party office, the office of a Turkish political party nearby where an employee was slightly injured, or the office of the Serb Center for Peace and Tolerance. Supporters of rival political parties challenged LDK activists in Lipjan (Lipjan) several times, once disrupting a rally by hurling objects. The PDK reported that unknown arsonists burned down a neighborhood office in Pristina on September 22. A local newspaper reported that LDK supporters beat a radio journalist. In mid-November, an unknown assailant shot and badly wounded Shkelzen Hyseni, the newly elected LDK assemblyman in Pec (Peja). On November 30, LDK branch committee member Ejup Visoka was shot twice in a drive-by shooting in Podujevo (Podujeva); he was wounded in the arms and stomach. Also in November, unknown assailants attacked the wife of Elez Nikqi, Rugova's bodyguard, cutting her across the throat.

After investigating several of these incidents, on October 3 the OSCE's Election Complaints and Appeals Sub-Commission (ECAC) imposed on political parties a series of penalties. These penalties included fines of up to \$2,400 (DM 5,000) and, in one case, a candidate being stricken from the PDK list of candidates.

Despite the violence in some areas prior to election day, the elections themselves were held on October 28 without significant violence. Voter turnout was high (about 75 percent). International and domestic observers reported some irregularities and logistical flaws. In Pristina a few underage persons were observed voting. Voters' lists were incomplete and cumbersome. Late polling station openings and a lack of crowd-flow systems at many stations resulted in long lines and occasional minor crowd unrest. Election officials were able to address most problems during the course of the day. The Council of Europe observer mission concluded that the elections were carried out in accordance with international democratic standards and met the criteria for credible elections. The LDK won 58 percent of the overall vote, compared with 27 percent for the Democratic Party of Kosovo (PDK) and less than 8 percent for the Alliance for the Future of Kosovo (AAK). A number of small parties won the remaining votes. On November 27, newly elected municipal assemblies were sworn in. Members of the assemblies in three Serb-majority municipalities where elections were boycotted were selected and sworn in during December.

Yugoslav authorities organized polling sites inside Kosovo for those who wished to vote in Yugoslavia's federal elections on September 24. According to UNMIK, which did not itself support this electoral activity but which sent out several hundred "witnesses," approximately 45,000 of roughly 60,000 eligible Kosovar Serbs turned out, but only a handful of Kosovar Albanians voted. The Yugoslav elections were peaceful; however, the voting was conducted in a disorganized, illegitimate, and fraudulent manner. The Serbian opposition alleged fraud and vote tampering in the northern part of the province, including one stolen ballot box in Leposavic and opposition election observers being denied access to polling areas. On December 23, Serbian parliamentary elections took place throughout Serbia, including Kosovo. Although KFOR and CIVPOL monitored the security climate, there was no international "witnessing" effort. No security incidents were reported.

Pursuant to UNSC Resolution 1244, UNMIK established the Joint Interim Administrative Structure (JIAS) for Kosovo, intended not only to provide a joint U.N.-Kosovar administration of services and revenue collection but also to supplant self-appointed administrators and officials throughout the province. The JIAS includes the SRSRG, the Kosovo Transitional Council (KTC), the IAC, and 20 administrative departments. The 36-member KTC is designed to reflect the pluralistic ethnic and political range of Kosovar society and is the highest level Kosovar advisory body. The eight-member IAC makes policy recommendations and serves as an executive board for the administrative departments and also includes minority representation. The departments, each with a Kosovar and an international co-head, provide social and administrative services, collect and manage revenues, and implement policies established by the other elements of the JIAS. The structure is mirrored on the municipal level, where municipal councils were elected on October 28.

No legal restrictions exist on women's participation in government and politics; however, they are underrepresented. According to women's groups, few women traditionally entered politics because of a lack of interest, money, education, and family support. Nonetheless, women held 7 of the 36 KTC seats, women led at least 2 political parties, and the UNMIK electoral regulation required that party candidate lists for the municipal elections include a set quota of 30 percent women. However, the "open list" ballot apparently allowed voters to vote around female candidates, resulting in only 76 women elected to office in the October municipal elections, or 8.26 percent of total municipal assembly seats. In addition UNMIK appointed two women as co-heads of departments under the JIAS.

No legal restrictions exist on participation by ethnic minorities in government and politics. The Kosovar co-head positions in JIAS departments are shared by minority groups, with two such positions reserved for Serbs and two for other minority members. A prominent Serb observer sits on the Interim Administrative Council; five Serbs hold positions and five other members of ethnic minorities hold positions on the KTC, as well as one Roman Catholic cleric. Although Kosovar Serbs boycotted the municipal elections, several ethnically based political parties registered candidates.

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

UNMIK and the OSCE continued their encouragement of the development of civil society, including domestically based NGO's. A broad range of U.N. agencies and numerous international organizations and NGO's pursued operations in the province

to assist with administration and to provide relief to all Kosovars as they faced the aftermath of war. This included assistance to hundreds of thousands of returning refugees, support for the search for the missing, and social services to ameliorate the effects of trauma. UNMIK issued a regulation in November 1999 on NGO registration. Over 300 domestic NGO's are registered and active in the province.

Human rights monitors including those of the OSCE, as well as some associated with domestically based NGO's, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation. Monitors and observers also looked into reported abuses by members of the KPS, KPC, CIVPOL, and KFOR. The ICRC gained full access to prisons and detention centers throughout Kosovo in exercise of its humanitarian mandate (see Section 1.c.). UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring. Although UNMIK and the OSCE did not reach agreement on procedures, OSCE monitors generally were able to carry out their mandate on an ad hoc basis in most courts and gained limited access to prisons and detention centers.

In June UNMIK established the office of Human Rights Ombudsperson to ensure Kosovars' rights under international human rights laws and to investigate allegations of abuses. Marek Nowicki of Poland was appointed to the position in August, and the Ombudsperson's office opened on November 21.

UNMIK cooperated with the ICTY and ICTY investigators and field teams made numerous trips to the province to investigate alleged war crimes committed there and to gather data, particularly through the exhumation of victims, necessary to the prosecution of such crimes.

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

UNMIK's regulation on applicable law specifically prohibits discrimination on the basis of gender, race, religion, or ethnic origin.

Women.—Rape and a high level of domestic violence remained serious, persistent problems. There are no governmental agencies dedicated to coping with family violence. Applicable criminal law, as defined by UNMIK regulation, is incomplete in addressing both domestic violence and sexual crimes. Several domestic and international NGO's pursue activities to assist women, but they are constrained to some extent by a tradition of silence about domestic violence, sexual abuse, and rape. In Kosovo's traditionally male-dominated society, it is culturally acceptable for men to beat their wives; credible sources report that violence against women has increased in the post-conflict period. Few victims of spousal abuse ever file complaints with the authorities.

Rape is underreported significantly due to the cultural stigma attached to victims and their families. Tradition prevents much discussion of the topic of rape among ethnic Albanians, since the act is seen as dishonoring the entire family. The prevalence of rape by Yugoslav and Serbian forces during the conflict has heightened the profile of rape as a form of war crime, but few individual women have come forward publicly. There has been a reluctance to file charges with the ICTY, for example. U.N. Police registered over 95 rapes and rape attempts in the province during the year. However, there is credible anecdotal evidence, supported by customary practice, that rape is underreported significantly.

The province served increasingly as a transit point and destination for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women traditionally do not share status equal to men, and relatively few women obtain upper level management positions in commerce or government, although there is no legal restriction on their doing so. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their families, long have subjected women to discrimination. In some rural areas, women often are little more than serfs, without the ability to exercise a right to control property and children. Women widowed by the recent war risked losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. While legally women and men equally are entitled to inherit property, it is customary that family property passes to men only. Particularly in rural areas, when a man dies, his widow often is returned to her birth family and his family assumes his land, leaving the widow without property.

UNMIK's Office of Gender Affairs worked to coordinate gender issues throughout the programs of all UNMIK offices. It identified a network of gender focal points in all JIAS departments and in UNMIK's regional and municipal offices that were responsible for initiating and implementing gender policy in their respective areas and for facilitating consultation between UNMIK and women's organizations. UNMIK Regulation 1999/24 binds government officials to abide by the provisions of

international human rights law and conventions, but that requirement has not yet benefited women's lives in rural areas.

In population centers, the presence of UNMIK and an unprecedented number of international and nongovernmental organizations has opened a large number of previously unavailable jobs to women. UNMIK police and the OSCE launched an aggressive campaign to recruit women for the Kosovo Police Service (they make up 17 to 20 percent of the force). Women are increasingly active in political and human rights organizations. Women led two political parties, and several professional women worked as NGO and human rights activists.

Children.—UNMIK established the JIAS Departments of Education and Science and of Health and Social Welfare, which address concerns about children's education and health. Following Kosovo's loss of autonomy in 1989, Albanian parents refused to send their children to Serb-run public schools and developed a "shadow" education system. The quality of education was uneven and the divisions inherent in society were replicated in children's schooling. In 1999 conflict and the Serb ethnic cleansing campaign disrupted the spring term of the school year. Although many schools reopened for the 1999–2000 academic year, extensive damage to many school buildings, a lack of educational materials, and persistent electrical power outages hindered the full functioning of the education system. Serb and Roma parents were reluctant to send their children to the reopened schools despite the efforts of the authorities to provide security. As the school year progressed, international organizations rebuilt and equipped schools and the numbers of students enrolled increased.

All schools opened on time for the 2000–2001 academic year. UNMIK issued a regulation on August 30 making enrollment in public school compulsory for children between the ages of 6 and 15 (with only minor exceptions). The regulation made no provision for a waiver due to ethnic concerns. At least one school, in Ponesh (Ponesh), enrolled Serbian in addition to Albanian children, but most minority children continued to attend separate schools. In rural areas, lack of transportation made families reluctant to send girls to school since the prospect of future employment was slim.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children. The health situation for children remained particularly poor. Humanitarian aid officials blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, primarily on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. The high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead at the Trepca industrial complex, likely contributed to poor health conditions as well.

The province served as a destination and transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

There was no societal pattern of abuse of children.

People with Disabilities.—Although the law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services, inadequate facilities and the level of unemployment posed obstacles to the employment of the disabled. The law mandates access to new official buildings; however, it is not enforced in practice.

Religious Minorities.—Religion and ethnicity are intertwined so closely that it is difficult to clearly identify discriminatory acts as primarily religious in origin rather than ethnic. Kosovar Serbs, in particular, identify themselves with the Serbian Orthodox Church, which defines not only their religious but also their cultural and historical perspectives. However, the views of all ethnic groups have been influenced strongly by religion, and some instances of ethnic discrimination or tension may have religious roots.

Although UNMIK continued to take steps to ensure that members of all religious groups could worship safely, Bishop Artemije, the leading cleric of the Serbian Orthodox Church in Kosovo, remained at a monastery in Gracanica, near Pristina, rather than at his seat in Prizren (see Section 2.c.). Despite the KFOR presence, there were attacks on Orthodox churches. In April in Mitrovica a crowd of rock-throwing Albanians attacked Serbs and their KFOR escorts during a religious ceremony for Orthodox Easter. On April 28, unknown perpetrators rigged an antitank device that blew up the church in Grncar (Gerncar); since the Easter service was postponed, congregants were not harmed. After the withdrawal of Yugoslav forces in 1999, ethnic Albanians attacked Serbian Orthodox churches and burned or otherwise destroyed over 100 of them, including 20 during the year. On December 22, unknown assailants threw a hand grenade at the only functioning Serbian Orthodox church in Pristina, breaking windows and causing other damage. The daily newspaper Dita published a story in July that alleged that Orthodox priests committed

war crimes (see Section 2.a.), and assailants subsequently shot and wounded a Serbian Orthodox priest and two seminary students in a drive-by shooting.

National/Racial/Ethnic Minorities.—Although the high level of retaliatory anti-Serb violence that followed Yugoslavia's 1999 withdrawal dropped significantly, ethnically motivated violence and crime continued to affect minorities. Serbs, Roma, and other minorities were victims of murder, kidnaping, assault, and property crimes, especially arson.

On February 2, unknown assailants killed Josip Vasic, a prominent doctor and member of the Serb National Council in Gnjilane (Gjilan). Also on February 2, unknown assailants fired on a KFOR-escorted, UNHCR bus traveling to Mitrovica from the Serb village of Banja carrying 49 Serbs, and killed 2 persons. In Novo Brdo (Novoberde) district, unknown assailants stabbed the last remaining Serb in one village, a woman, in February. On February 18, a Serb man was found dead in Podujevo (Podujeva) with gunshot wounds to the mouth and eye and his identity card pinned to his chest. On March 11, the body of a Serb man was found near Gracanica Lake; he had been shot and killed. On April 3, the body of a Serb man was found, bound and shot, in Pristina. On May 16, police found the remains of Petar Topoljski, a Serbian UNMIK employee, following publication by the Pristina-based newspaper Dita of an article identifying Topoljski as a member of a Serb paramilitary unit (See Section 2.a.). On August 27, an 80-year-old Serbian farmer was shot and killed in Crkvena Vodica. On September 14, a Serb woman was shot and killed in her home in Kamenica. On October 4, the body of a 60-year-old Serb shepherd with gunshot wounds was found near Strpce (Shterpce) after he was reported missing. Assailants killed Serbs in incidents throughout the year in Gnjilane (Gjilan) district. In March and April alone, 60 Serb families there sold their property and departed for Serbia.

Serb children also were targeted. On August 18, 10 children were wounded by a grenade thrown from a passing car onto a basketball court in the Serb village of Crkvena Vodica. On August 27, a Kosovar Albanian intentionally ran over four Serbian children in two different villages, causing the death of one child and the serious injury of several others. On May 28, an ethnic Albanian male opened fire on a group of Serb men in front of a shop in Gnjilane (Gjilan), killing three persons, including a 4-year-old child (see Section 1.d.).

Serbs were also victims of beatings, grenade attacks, and arson. A total of 522 cases of arson were reported during the year.

In June local Serbs in Srbica (Skenderaj) allegedly attacked members of the Albanian Behrami family, killing two. In the village of Cubrelj (Cubrel), a group of Serbs killed two Albanians on June 12, the first anniversary of the conclusion of the NATO military campaign.

Other minorities were also victims of violence. In January unknown persons killed four members of a Bosniak family in Prizren. In April 15 Albanian men beat a 70-year-old Bosniak woman in Pec (Peja).

On April 3, unknown assailants kidnaped Metodije Halauska, an 86-year-old Czech man, from his home in Pristina, beat him, and shot him in the back of the head.

On January 12, four members of a family of Torbesh (Muslim Slavs) were shot and killed in their home by an unknown assailant in Prizren.

On May 24, an Albanian youth shot and wounded a Gorani woman in Pristina, reportedly because she did not speak Albanian. Minority communities in Prizren were subject to violent attacks, intimidation, and arson during the year.

On November 8, unknown assailants shot and killed four displaced Ashkali who had returned to their village of Dosevac (Dashevc) near Srbica (Skenderaj) to rebuild their houses, which were destroyed during the war. Three members of an Ashkali family died in the Lipljan (Lipjan) area during the first week of August when a fire set off a grenade in their courtyard. It was not clear whether the grenade had been placed as a booby trap. In November in Urosevac (Ferizaj), unknown assailants murdered a 13-year-old Gorani boy and burned his body.

There were reports of the ethnically motivated murder of Roma by unidentified Albanians. Roma were targeted because they are perceived as Serb collaborators by ethnic Albanians. On March 4, unknown persons shot and killed a 50-year-old Romani woman in Gusica and then set her house on fire. On March 27, a Rom was found strangled to death in Istok (Istog). On April 19, in Pec (Peja) two unidentified men shot and killed a Romani man. In April the European Roma Rights Center reported that two Romani boys and a Romani woman were killed by unknown assailants in Pec (Peja). In August three Roma were killed and one was injured by a mortar bomb tied to their fence in Mali Alas, near Pristina.

Roma also were subject to beatings, harassment, and attacks on property. According to the European Roma Rights Center, on April 13, four armed men who rep-

resented themselves as members of the KLA, allegedly took a Romani man out of his house in Prizren, beat him, and threatened him. On May 17, an unidentified man beat a Rom in Trebovic. Numerous Roma were injured by hand grenades thrown at their houses. Unknown persons also burned Romani houses in Prizren, Gnjilane (Gjilan), Gorna Brnjica, Pec (Peja), Orahovac (Rahovec), and other cities.

The remaining Roma in Kosovo largely were settled in enclaves and encampments and were almost wholly dependent on humanitarian aid to survive. In Kosovo Polje (Fushe Kosove), Podujevo (Podujeva), Lipjan (Lipjan), and Gnjilane (Gjilan), there was some degree of harassment by neighboring Albanians, especially in the latter two towns. The UNHCR reported discrimination by Albanian hospital workers against Roma.

Civilians were responsible for the destruction, often through arson, of private property. There was a growing number of credible reports of violence and intimidation being used to force Serbs to sell their homes to Albanians at attractive prices. Of the approximately 120,000 homes damaged by Yugoslav and Serbian forces and paramilitaries from 1998 on, 50,000 houses were beyond repair and, despite the efforts of international organizations another 38,000 houses were not habitable (see Section 1.f.).

Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Serbs in the north of the province, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposavic, Zubin Potok, and Zvecan, and in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR provided buses to transport Serbs in larger numbers between enclaves and into Serbia to take care of personal business.

In Mitrovica Serb and Albanian Kosovars restricted each other's freedom of movement (see Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Ethnic Albanians who sought to return to their homes in the north were subject to violence and intimidation by ethnic Serbs, and about 1,500 who live in the northern section of town reported repeated harassment. For example, in April a group of Serbs set fire to 3 Albanian homes and damaged over 20 U.N. vehicles in north Mitrovica. Ethnic Serbs stationed near the bridges monitored persons who crossed the Ibar River from southern Mitrovica into the northern part of the town. Serbs in the northern part of the city continued to seize Albanian property, resulting in over 60 reported illegal house occupations during the summer months. At the same time, ethnic Serbs, including some who owned property there, were unable to move freely in the southern part of the town without similar harassment from ethnic Albanians.

Politically, both Serbs and Roma made some progress. The Serbs in particular, through the Gracanica-based Serb National Council (SNV), participated in the JIAS organs and negotiated with the international community for increased assistance and programs in addition to more effective security.

Section 6. Worker Rights

a. The Right of Association.—Under Yugoslav law, workers had the right to join or form unions; however, in practice neither the official nor the independent unions were effective in protecting workers' rights. Applicable law, pending further agreed regulations and legislation, is that in effect in March 1989, when labor and employment law reflected socialist structures inappropriate to and unenforceable in existing conditions. In creating the JIAS Department of Labor and Employment, UNMIK included in its responsibilities policy recommendations on labor practices and the rights of workers and recognized labor as one element of an eventual tripartite commission but made no mention of a specific right of association.

After the war, labor organizations, which had focused during the 1990's on members' welfare, redirected their focus to traditional labor issues. The dominant group, the Confederation of Independent Trade Unions of Kosovo (BSKP), was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990's. Its current president is a member of the KTC.

With most Albanians unemployed during the period under Milosevic, the BSKP focused more on assisting its membership to survive than on collective bargaining. The organization is working with international entities, including the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU), to rebuild its membership and its collective bargaining ability. Other trade union organizations include the Independent Trade Union of Miners and the Union of Education, Science, and Culture of Kosova, a rival educators' union to the one

with membership in the BSKP. All three unions have expressed interest not only in participating in the drafting of labor legislation but also in the terms for privatization of state enterprises.

The ability of unions to affiliate internationally remains constrained in practice, although there are no legal impediments to their doing so.

b. The Right to Organize and Bargain Collectively.—While draft labor legislation includes the right to organize and bargain collectively, no applicable law currently specifically addresses this right. Collective bargaining is at a rudimentary level of development. The history of trade unionism was centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group. Thus, workers in various sectors were ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal benefits, etc.) on which to negotiate. Given the poor state of the economy and the high unemployment rate, wages other than those paid by international and nongovernmental organizations rarely are paid on time, and there is little possibility for negotiation by labor organizations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is prohibited by law and is not generally known to occur; however, the province served as a destination, source and transit point for trafficking in women and girls for the purpose of forced prostitution (see section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under labor law dating from before 1989, the minimum age for employment was 16, although in villages and farming communities it is not unusual to find younger children at work assisting their families. Moreover, children can be found in a variety of unofficial “retail” jobs, typically washing car windows or selling newspapers and small items such as cigarettes. With an unemployment rate in excess of 60 percent, real employment opportunities for children in the formal sector are nonexistent. Forced and bonded labor by children is prohibited by law and generally is not known to occur; however, girls are trafficked to, from, and through the province for the purpose of forced prostitution (see Section 6.c. and 6.f.).

e. Acceptable Conditions of Work.—After the withdrawal of Yugoslav forces and authorities in June 1999, there was no effective minimum wage rate, as Kosovar Albanians refused to recognize the Yugoslav-Serbian legal code. The unemployment level exceeded 60 percent, and the average wage paid to those who had work was insufficient to provide a decent standard of living for a worker and family. While many international agencies and NGO’s paid wages adequate to support a worker and family, UNMIK determined that wages for any jobs that eventually would be part of the province’s own governmental structure, even if funded by the international community at present, should be set at a level estimated to be supportable by the consolidated budget. Salaries under the Kosovo Consolidated Budget are barely enough to support a worker and a family.

Reports of sweatshops operating in the province are rare, although some privately owned textile factories operate under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health standards, and focused their efforts instead on economic survival.

f. Trafficking in Persons.—Trafficking is a serious and growing problem. Throughout the year, nothing in the applicable law, as defined by UNMIK Regulation 1999/24, provided an effective legal framework under which to address trafficking. The province was mainly a destination point, but it was also a transit point for women and girls trafficked for the purpose of forced prostitution.

UNMIK police raided several brothels and nightclubs throughout the year in Pristina, Pec (Peja), and Prizren, and found more than 50 women of Ukrainian, Moldovan, Bulgarian, and Romanian origin working as prostitutes under slave-like conditions. There were also reports of trafficked women from Albania, Belarus, and African countries. Security authorities also reported that women and girls are being smuggled through Kosovo to Macedonia, Albania, and Italy. Evidence suggested that trafficking in women was an example of a coordinated effort between ethnic Serbs and Albanians, like other areas of organized crime. There were several kidnappings and disappearances of young women who subsequently were not located. Some local sources believed that these women were the victims of traffickers in some cases, although there is no clear evidence that this was the case. Pristina and Kosovo Polje (Fushe Kosova) are major centers for trafficking. In November UNMIK and KFOR arrested 7 Kosovar Serb men for kidnaping and operating houses of prostitution; 12 Moldovan women were found and brought to a local NGO.

Women are recruited to work in cleaning jobs and are abducted and forced into prostitution. While some women were aware that they would enter the sex industry, they were not aware that they effectively would be imprisoned and unable to earn money. Trafficking victims have reported that they were subject to physical violence, rape, denial of access to health care, and confiscation of their passports.

Because prostitution is punishable under provincial law, women are often afraid to report their traffickers due to fear of arrest. In Mitrovica one woman who was believed to be a trafficking victim was convicted of prostitution. However, UNMIK police have been active in investigating and intervening in incidents of trafficking.

According to the IOM, the presence of a large international community that purchases sex services has contributed to the increase in the number of brothels that are involved in trafficking.

Several international agencies and NGO's established programs to assist the victims of trafficking with material support in returning to their countries of origin or homes, if they so wished. The IOM launched an awareness campaign directed at UNMIK, KFOR, and local men who purchase the services of women who were most likely to be trafficking victims.

MONTENEGRO

Montenegro, constitutionally a constituent republic (together with Serbia) of the Federal Republic of Yugoslavia (Yugoslavia), made progress in its efforts to build a multiparty, multiethnic, parliamentary democracy; however, a deeply rooted patronage system and corruption continued to be dominant features of political life. During the year, the Government increasingly was excluded from federal functions by then Yugoslav President Slobodan Milosevic. The Government remains minimally subordinate to Yugoslavia in foreign affairs and defense matters. Units of the Yugoslav Army (VJ) are stationed in Montenegro. President Milo Djukanovic was elected in 1997 and until the end of December headed a reform coalition, which won power in 1998 parliamentary elections that international election observers judged to be generally free and fair. Events during the year effectively steered the Government further away from the federal control of Milosevic's regime in Belgrade. Milosevic's attempts to deny Montenegro its constitutional voice in federal functions, in particular by closing Supreme Defense Council meetings to Djukanovic and by Milosevic's unilateral amendments of the Yugoslav Constitution on July 6, further undercut Montenegro's already weak role and authorities in the Federation. With Djukanovic's efforts to redefine Montenegro's relations with Serbia through political discussions rebuffed, Montenegro acquired a large degree of de facto independence, establishing its own currency, central bank, customs and diplomatic service, and an embryonic army. The Government respects the constitutional provisions for an independent judiciary in practice.

The republic police, under the authority of the Ministry of the Interior, has primary responsibility for internal security. However, the Yugoslav Second Army, which has federal jurisdiction in the republic and is under federal authority, not Montenegrin government control, made repeated attempts to usurp control over the civilian police. Some members of the security forces committed human rights abuses.

The economic transition from a state-owned to a market-based system encountered delays and resistance. The industrial sector remains largely in the hands of the republic Government and is very inefficient. The economy suffered further as a result of NATO's air campaign against Serbia in 1999 and years of sanctions and isolation, although the Government reported that the economy grew during the year. Official unemployment remains significant, and rose to at least 42 percent, but a large unofficial economy provides jobs for much of the officially unemployed. Economists estimate that actual unemployment averages 22 to 23 percent. At the same time, the Government's budgetary shortfall grew as it raised the minimum wage and strove to pay pensions on time to ensure social peace. The anticipated budget deficit during the year was expected to approximate the amount of assistance provided by foreign donors. Gross domestic product (GDP) per capita (including the unofficial economy) was forecast at \$935 for the year.

The republic Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There were a number of political killings, including at least one allegedly linked to Milosevic and another linked to a VJ-supported paramilitary group. Police and VJ troops abused persons, and VJ troops harassed and intimidated citizens. VJ troops and Montenegrin police were responsible for numerous arbitrary arrests and detentions. Montenegrin police reportedly infringed on citizens privacy rights. Both republic and federal authorities restricted freedom of speech and of the press in some areas. Both VJ troops and Mon-

tenegrin police restricted freedom of movement. Violence and discrimination against women are problems. Discrimination against religious and ethnic minorities continued to be a problem. There were reports of harassment and intimidation of Muslims in the Montenegrin Sandzak region by paramilitary groups linked to the VJ. Trafficking of women and girls for the purposes of forced prostitution continued to be a problem; both federal and Montenegrin authorities allegedly are involved in such trafficking.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing.—There were no reports of political or other extrajudicial killings by agents of the republic Government; however, political killings occurred. On May 31, one of President Djukanovic's closest advisers, Goran Zugic, was shot and killed in front of his home in Podgorica by unknown assailants. No one claimed responsibility. The killing widely was considered to be the result of orders from of Milosevic; however, according to some accounts, Montenegrin criminal circles may have been responsible. There was no conviction in the case by year's end.

Paramilitaries who served in Kosovo, Bosnia, and Croatia and who were subordinated to the Yugoslav Army in Montenegro were a threat to the Djukanovic Government until Milosevic's downfall. There were widespread fears that Milosevic could order these forces to destabilize Montenegro at any moment. The paramilitaries, largely members of the Seventh Military Police Battalion, in one instance, killed a Montenegrin policeman outside a Podgorica bar on the eve of the September federal elections.

In August Milenko Vujovic, a friend and business colleague of President Djukanovic's brother Aleksandar, was shot and killed in Herceg Novi. While the crime apparently was motivated by money, some accounts alleged that the killing was politically motivated.

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

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other cruel forms of punishment; however, Montenegrin police reportedly at times abused persons. A member of the radical Yugoslav Left (JUL) party (founded by Milosevic's wife Mira Markovic) claimed that he was beaten by the Montenegrin police after being arrested for allegedly defacing public buildings in Podgorica on the eve of the September 24 federal elections. Other members of JUL complained of being detained without explanation and abused up by the police in Herceg Novi for putting up pro-Milosevic posters during the federal election campaign. In October masked assailants beat a member of a pro-Serbian political party. The police never located the assailants, and the Minister of Interior declined to appear before Parliament to discuss this or the previous incident in Podgorica. In Niksic police arrested and beat members of a local gang. After the arrests, police imposed a near blockade of the city in an effort to catch other members of the gang.

The VJ's Seventh Military Police Battalion—known for its fierce loyalty to Milosevic—intimidated citizens and created a climate of fear. VJ troops reportedly beat religious worshippers early in the year (see Section 2.c.). Members of that battalion also harassed and intimidated Muslims in the Sandzak region. In June battalion members entered Bijelo Polje (a town in northern Montenegro with a large Muslim population) in armored vehicles to "inspect" the town's center. At about the same time, members of this unit surrounded the police station in Berane (another multiethnic northern Montenegrin town) to underscore their demands for the release of a colleague who was arrested the night before in a drunken brawl. Members of this unit reportedly engaged in similar activities in October in the towns of Kolasin, Danilovgrad, and Mojkovac. In Plav, a northern town with a large ethnic Albanian population, members of the Seventh Military Police Battalion reportedly regularly engaged in live fire practice near the Albanian quarter.

In August VJ troops opened fire on a truck that failed to stop at a checkpoint near Bar. The driver managed to escape without injury.

The Yugoslav Army held major exercises in areas adjacent to the Montenegrin capital before and during the June 11 local elections and the September 24 federal elections. These maneuvers and aggressive VJ patrolling of major tourist areas during the height of the tourist season were intended to intimidate the Djukanovic regime and its supporters.

On June 15, gunmen reportedly linked to Milosevic's regime attempted to kill Vuk Draskovic, the leader of one of the principal opposition parties in Serbia, when he was vacationing at his apartment in Budva on the Montenegrin coast. Draskovic

had survived a car accident in October 1999 that many believe was staged by the Serbian Security Service. There was no conviction in the case by year's end.

Prison conditions reportedly meet prisoners' minimum needs, but problems remain.

The Government generally permits prison visits by human rights monitors, including the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention or Exile.—The law prohibits arbitrary arrest and detention; however, at times Montenegrin police arbitrarily arrested and detained persons, and the Yugoslav Army on occasion also arbitrarily detained and arrested individuals.

For example, in early February VJ forces arrested and detained two Montenegrins accused of desertion and draft evasion. In July VJ personnel arrested four Dutch, two British, and two Canadian citizens near Montenegro's borders with Serbia and Kosovo. All were charged with espionage. The British citizens claimed they were beaten by the police and nearly lynched by VJ soldiers. Following Milosevic's removal, all were released, and the charges against all eventually were dropped by the federal authorities.

The Montenegrin police harassed citizens by applying traffic laws selectively, based on the individual's political preferences. In at least one instance, police stopped a political opponent and known critic of Djukanovic, removed his license, and confiscated his vehicle for a minor traffic violation.

Forced exile is prohibited and is apparently not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary and the Government generally respects this provision in practice. The judiciary provides citizens with a fair judicial process; however, a backlog of cases, a lack of resources, and corruption remain problems. Furthermore, the judges are poorly paid patronage appointees. However, the Minister of Justice promotes legal reform actively and has made some progress in reforming the Criminal Code. The court system consists of local, district, and supreme courts at the republic level. There is also a military court system under the control of federal authorities.

The Constitution provides for the right to a fair trial and, according to most observers, the judiciary makes an effort to enforce this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such practices; however, police reportedly used surveillance and eavesdropping against members of the pro-Milosevic opposition Socialist People's Party, who charge that the Djukanovic Government both wiretaps their telephones and opens their mail. The intelligence service of the Yugoslav Army carries out electronic surveillance of key Djukanovic government telephones. The public dissemination of Yugoslav intelligence intercepts of cellular telephone conversations of Western diplomats in May made clear that the Yugoslav security service possesses and uses this capability.

In November 1999, the Montenegrin assembly passed a law granting general amnesty to persons who evaded the draft from June 1998 to June 1999. All persons reportedly received amnesty out of an expected 14,000.

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 republic Government and the federal authorities restricted this right in some areas. Media and information laws do not protect the press; to a large extent libel laws discourage a free press.

The print media is not independent. Djukanovic effectively controls the print media, with the exception of the opposition daily, Dan, as well as the State public broadcasting station, Radio/TV Montenegro. A small, moderate, and pro-Yugoslav party that belongs to Djukanovic's coalition credibly charged that Djukanovic uses the media to promote independence sentiment while not permitting his coalition partner to make the case for remaining in a democratic Yugoslavia. However, during the year, the Government continued to take steps to encourage independent radio media by allocating more frequencies to independent radio stations and reducing the fees charged to them.

Lack of professionally trained staff, low professional standards, and lack of funds all hinder the development of an independent media.

Under Milosevic the Yugoslav federal authorities failed to respect the basic principles of freedom of the press in Montenegro. In early spring, the federal authorities, in conjunction with officials of the extreme left Yugoslav Left (JUL) party, set up transmitters on Yugoslav Army communications sites in Montenegro. They began broadcasting pro-Yugoslav, anti-Montenegrin propaganda (the so-called YU-INFO TV) despite a federal law that delegates to each republic the responsibility to allo-

cate broadcast frequencies. YU-INFO TV still was broadcasting in Montenegro at the end of the year. Subsequently in August, the Milosevic regime established a studio in a Yugoslav Army facility in downtown Podgorica that used military transmitters to rebroadcast pro-Milosevic programs produced by Serbian TV (RTS). These actions were taken without consultation with the Montenegrin authorities.

In late summer, the Federal authorities also disconnected Montenegrin TV from the Serbian cable network in Vojvodina's capital city, Novi Sad.

Books expressing a wide range of political and social viewpoints are available, as are foreign periodicals and other publications from abroad. However, the supply is limited due to the economic situation and the relatively small demand.

Academic freedom generally is respected, although faculty and students at Podgorica University, who favored the Belgrade regime or the preservation of the Federation, were reluctant to discuss political matters as tensions grew between Montenegro and Serbia.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right. On the Serbian New Year in mid-January, the Government permitted a large opposition gathering to take place but had large numbers of police standing by. In February the police broke up a small opposition rally when the demonstrators appeared to be moving on the main government building. The opposition held rallies without problems during the June and September local and federal election campaigns, respectively.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

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

The Constitution specifically recognizes the existence of the Serbian Orthodox Church, but not other faiths. The Montenegrin Orthodox Church lost its independence after the First World War, becoming part of the Serbian Orthodox Church, and was only recently re-established. The re-established Montenegrin Orthodox Church is registered with the Government of Montenegro Ministry of Interior in Cetinje, the former capital, as a nongovernmental organization (NGO). The Government of Montenegro has been careful to remain neutral in the dispute between followers of the Serbian Orthodox Church and Montenegrin Orthodox Church, but political parties have used this issue in pursuit of their own agendas. Pro-Serbian parties strongly support moves for the establishment of an official state religion, while proindependence parties have pushed for the official recognition of the Montenegrin Orthodox Church.

Tensions between the unofficial Montenegrin Orthodox Church and the Serbian Orthodox Church worsened during the year. Violence allegedly broke out between members of the Montenegrin Orthodox Church and of the Serbian Orthodox Church in late 1999 when on November 21, 1999, Father Dragan Stanistic of the Serbian Orthodox Church reportedly hit Montenegrin Orthodox Metropolitan Mihajlo in the face during a confrontation on a road near Cetinje. According to press reports, Father Stanistic's followers then attacked Mihajlo's car, although Stanistic denies that the incident ever occurred. Approximately 250 persons demonstrated to protest the incident in Cetinje, and authorities summoned riot police and reinforcements to prevent further incidents.

The rift between the churches was highlighted again in January when a Serbian Orthodox priest delayed the traditional Christmas celebration by calling on the audience to leave the hall because Montenegrin Orthodox Metropolitan Mihailo was present. Police reportedly had prevented a parallel Montenegrin Orthodox celebration from taking place in a separate location in the town on the same day. The Serbian Orthodox Church then publicly protested the Government's tolerance of the Montenegrin Orthodox Church.

The Djukanovic Government sought to defuse tensions between the churches. However, there were reports that Yugoslav paramilitaries exacerbated such tensions. For example, in Niksic early in the year, several members of the Seventh Military Police Battalion reportedly intimidated a Montenegrin Orthodox priest in his church and beat several of his parishioners. On another occasion, Serbian nationalists near the former capital city of Cetinje beat up a Montenegrin Orthodox priest on his way to a church gathering, prompting retaliation from his supporters.

The Montenegrin Orthodox Church has claimed holdings of the Serbian Orthodox Church in Montenegro. The Serbian Orthodox Church remains the dominant faith in Montenegro and has rejected the property claims.

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

Government generally respects this right in practice; however, the establishment of numerous police checkpoints that carried out document checks restricted this right.

The Yugoslav Army restricted this right even more seriously. Army checkpoints close to the borders with Albania and Bosnia limited movement by residents. In the Herceg Novi, Niksic, and Pljevlja areas, VJ restrictions on freedom of movement in border areas generated antimilitary demonstrations and intervention by the republic's political authorities. However, these restrictions were not eased until the defeat of the Milosevic regime in Belgrade.

There was no official mechanism by which refugees or foreign nationals could establish residency. A new citizenship law was passed in 1999. The new law, while stringent in its requirements, provides a legal and equitable means for persons to acquire Montenegrin citizenship.

The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR). The UNHCR reports that an estimated 60,000 refugees and internally displaced persons live in the republic. The large influx of Albanian refugees from Kosovo largely has returned to Kosovo; however, a smaller but significant number of Serb and Roma refugees from Kosovo have replaced them. Conditions for refugees vary; those with relatives or property in the country have been able to find housing and in some cases employment. Roma refugees, on the other hand, live mostly in collective centers, with little or no access to health care or education.

In September before the Yugoslav federal elections, Serbian Minister for Refugees Bratislava Morina promised financial aid for Serbs and Roma from Kosovo in what was perceived by observers to be an attempt to influence voters in favor of Milosevic.

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

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

The Montenegrin Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice with respect to republic institutions, but not with federal-level institutions. In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair. The republic government invited the Organization for Security and Cooperation in Europe (OSCE) to observe both the presidential elections in 1997 and the parliamentary elections in 1998, which also were judged to be free and fair. The OSCE sent observers to monitor the June 11 local elections in Herceg Novi and Podgorica, and reported that these were well conducted. In Herceg Novi, Djukanovic's coalition was defeated by the pro-Milosevic opposition party. For most of the year, the Government enjoyed the support of a multi-ethnic coalition in the republic assembly.

President Milosevic dominated Yugoslavia's political system until he lost power in the September federal elections. He sought to consolidate his power at the federal level at the expense of Montenegro, and by manipulating power within the Federation, Milosevic effectively forced Montenegro out of the Federation's institutions while leaving it open to the Federal Government's charges that its actions violated Yugoslavia's Constitution. President Djukanovic did not participate in the September 23 federal elections and called for citizens to boycott them. The Montenegrin Parliament declared the July 6 amendments to Yugoslavia's Constitution, including one that allowed Milosevic to run for another presidential term, unconstitutional, and Djukanovic used this declaration as a basis for his decision not to participate in the elections. The Government did not impede voting and some 600 polling stations were set up in private homes, Socialist People's Party (SNP) offices, Serbian firms, and VJ establishments. However, overall voter turnout was low.

Despite the Montenegrin Government's legal rights under Yugoslavia's Constitution, federal authorities under Milosevic's control continued to refuse to recognize the 20 Montenegrin members delegated to the upper chamber of the Federal Assembly by the Montenegrin Parliament. The Montenegrins in the federal body, including the Speaker of the upper house, were not changed to reflect the results of 1998 Montenegrin parliamentary elections. Moreover, in violation of past practice, Milosevic installed Momir Bulatovic as Federal Prime Minister, ignoring the Montenegrin Government's desire to have a voice in the selection of the federal Prime Minister. Milosevic's control over the federal courts was demonstrated when the Federal Constitutional Court ruled against the Montenegrin Government in 1999 in disallowing the Montenegrin authorities' attempt to select all 20 Montenegrin representatives to the Federal Assembly's Chamber of the Republics. The ruling was a reversal of a 1993 decision, which allowed Milosevic's ruling coalition in Serbia at the time to

name all 20 Serbian representatives to the upper chamber while he was the President of the Serbian republic.

There are no legal restrictions on women's participation in government and politics; however, they are underrepresented greatly in party and government offices. There are no female ministers in the Government, and there are only five deputy ministers and three Members of Parliament. However, a woman plays a key role in the presidency of Djukanovic's ruling Democratic Party of Socialists.

No legal restrictions affect the role of minorities in government and politics; however, they are underrepresented and ethnic Montenegrins and Serbs dominate the republic's political leadership. Ethnic Albanians participate in the political process, and their parties, candidates, and voters participated in the 1997 and 1998 elections. Ethnic Muslims also participate. Albanians and Muslims followed Djukanovic's call to boycott the September 24 federal elections. The area of the republic primarily inhabited by ethnic Albanians was established as a separate voting district in the 1998 parliamentary elections and, in proportion to the region's population, five representatives were elected to the Parliament from the district. Ethnic Albanian parties captured two of the seats, with the multiethnic program of the pro-Djukanovic Coalition capturing the other three seats. Several ministerial and deputy ministerial positions in the coalition government are held by ethnic Albanians and Muslims.

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

A number of domestic and international human rights groups operate without government restriction, and republic officials generally are cooperative and responsive to their views. Local NGO's include the Montenegrin Helsinki Committee, the Center for Democracy and Human Rights, and S.O.S., a support group for abused women and children. In addition the Montenegrin Government's pledge to cooperate with the ICTY continues. The Chief prosecutor visited the country in August.

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

While federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religion, or social status, and prohibit discrimination against women, in reality the legal system provides little protection to such groups.

Women.—The traditionally high level of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and are limited in their activity by social pressure to keep families together at all costs. Few victims of spousal abuse ever file complaints with the authorities.

The country served as a transit point for trafficking in women for the purpose of forced prostitution (see Section 6.f.).

Women do not enjoy status equal to men in the republic, and few women hold upper level management positions in government or commerce. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination. In some rural areas, particularly among minority communities, women are little more than serfs without the ability to exercise their right to control property and children. However, women legally are entitled to equal pay for equal work and 12 to 18 months of maternity leave. They are active in human rights and women's organizations.

Children.—The Government attempts to meet the health and educational needs of children, but insufficient and inefficient resources impeded this goal. The educational system provides 8 years of mandatory schooling. When IDP's began arriving from Kosovo in 1998, the republic government initially refused to extend this educational benefit to Kosovar Albanians. However, after having consulted with and received promises of assistance from international organizations, the Government announced late in that year that displaced children soon also would be allowed to attend school. Although ethnic Albanian children have access to instruction in their native language, the Government came under criticism for not also developing a curriculum in which ethnic Albanians could learn about their own culture and history. This situation reportedly remains unchanged. Most Roma child refugees from Kosovo do not receive any education.

There is no societal pattern of abuse of children.

The country served as a transit point for trafficking in girls for the purpose of forced prostitution (see Section 6.f.).

People with Disabilities.—Facilities for the disabled are inadequate. The law prohibits discrimination against the disabled in employment, education, or in the provi-

sion of state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice.

Religious Minorities.—Religion and ethnicity are so closely intertwined as to be inseparable.

With the exception of tensions and incidents of violence (see Section 2.c.) between the Serbian Orthodox Church and Montenegrin Orthodox Church, relations with and between religious minorities are generally peaceful. Catholic, Muslim, and Orthodox communities coexist within the same communities and often use the same municipally owned properties to conduct worship services.

Seventh-Day Adventists and members of Jehovah's Witnesses are officially registered religions in the republic. However, their followers report that their efforts to build and renovate church buildings have been impaired by persons they believe to be loyal to the local Serbian Orthodox Church.

Ethnic Minorities.—In 1999 the Government began a pilot program in ethnic Albanian communities, which devolved extensive authority, including taxation, to locally elected officials. An Albanian Democratic Union member also was appointed to the post of Minister of Minorities to ensure that equal representation and opportunities would exist for all ethnic groups. Members of the ethnic Albanian and Bosniak (ethnic Muslim) minorities are represented in the cabinet. However, societal discrimination against minorities exists. Harassment and intimidation against Muslims in the Sandzak region by Serbian nationalists and VJ troops continued (see Section 1.c.).

In the week prior to the September 24 federal elections, there were reports that several hundred Bosniaks and ethnic Albanians from Montenegro left the country for Kosovo or Bosnia. There were no direct reports of violence or intimidation, but several families reported that they left because of an increase in military conscription and an increased military presence. Most of the families were able to return home within 1 week.

There is no official discrimination against the Romani population; however, prejudice against Roma is widespread. Local authorities often ignore or condone societal intimidation of the Romani community.

Section 6. Worker Rights

a. The Right of Association.—All workers except military and police personnel have the legal right to join or form unions. Most if not all of the workforce in the official economy is organized. Both official, government-affiliated unions and independent unions exist. Because the independent labor movement largely is fragmented and access to international labor organizations is limited, there have been few tangible results in the form of improved working conditions or higher wages.

Unions may affiliate with international labor organizations.

b. The Right to Organize and Bargain Collectively.—This right is provided for under law, but collective bargaining remains at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally center on advancing the needs of a specific group of workers. Job security fears prevail, as a result of the high unemployment rate, and these fears limit the groups' militancy.

One factor impeding the collective bargaining power of the workers was the weak economy, in which high unemployment gave employers the upper hand in setting wages and work conditions, as workers competed for whatever jobs existed.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Forced labor, including that performed by children, is prohibited by law and generally is not known to occur; however, the republic served as a transit point for trafficking in women and girls for the purpose of forced prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The official minimum age for employment is 16 years, although in farming communities, it is not unusual to find younger children assisting their families. Moreover, children can be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes. The high unemployment rate ensures that there is little demand for child labor in the formal sector. Forced and bonded labor by children is prohibited by law and generally is not known to occur; however, girls are trafficked through the republic for the purpose of forced prostitution (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work.—Large government enterprises, including all the major banks, industrial, and trading companies generally observe the minimum wage standard, which is \$47 (94 DM) per month. However, this figure is comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage is approximately \$175 (350 DM) per month, with a disposable average

wage (after social contributions and payroll taxes) of approximately \$90 (180 DM) per month. This amount is insufficient to provide a decent standard of living for a worker and family. Data for 1999 (latest available) suggests that households spent almost all of their resources on basic needs, such as food, clothing, and housing.

The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In view of the competition for employment, and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

f. Trafficking in Persons.—The law specifically forbids trafficking in persons; however, in practice trafficking is a growing problem and traffickers rarely are prosecuted. However, traffickers arrested in the spring during police raids on a brothel were prosecuted. The country is a destination and transit country for trafficked women and children. Women are trafficked from Romania, Ukraine, Moldova, China, and Russia, often through Belgrade and on to Western European countries and Kosovo. Trafficking has increased since the 1999 war in Kosovo, and Italian police weekly intercepted illegal immigrants from Montenegro. Many of these immigrants reported being victims of a trafficking scheme, some of whom were charged as high as \$1,500 (DM 3,000) to be transported. This included a large number of women and girls who were trafficked to other parts of Europe for prostitution.

Trafficked women often respond to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may be aware that they are going to work in the sex industry, they are unaware of the slavery-like conditions they may face. Many women are sold several times in different countries to nightclub owners. Their passports often are confiscated. Women have reported being beaten and raped by their traffickers.

The International Helsinki Federation reports that police and local authorities do little to stop trafficking and are often clients of nightclubs that keep trafficked women as prostitutes. Women found during police raids of bars and nightclubs during the year often were prosecuted for prostitution and deported. In some cases club owners were arrested and prosecuted for enabling prosecution; however, their sentences are generally short. The Government as a rule repatriates victims, but does not provide any other services, and there are no victim protection programs.

A small number of NGO's work on trafficking. There is at least one shelter for victims. Awareness of the problem is low.